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REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—*(7.)*—

MASTERS AND OPERATIVES;

MEDICAL DEPARTMENT (ARMY).

Session

31 *January*——29 *July* 1856.

VOL. XIII.

1856.

REPORTS FROM COMMITTEES:

1856.

ELEVEN VOLUMES:—CONTENTS OF THE

SEVENTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

MASTERS AND OPERATIVES:

343. REPORT from the Select Committee on MASTERS and OPERATIVES (Equitable Councils of Conciliation); together with the PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX - - - - - - - - - - - p. 1

MEDICAL DEPARTMENT (ARMY):

331. REPORT from the Select Committee on MEDICAL DEPARTMENT (ARMY); together with the PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX - - - 359

MASTERS AND OPERATIVES:

REPORT - - - - - - - - - - - - p. 3
PROCEEDINGS - - - - - - - - - - 5
MINUTES OF EVIDENCE - - - - - - - - 23
APPENDIX - - - - - - - - - - - 275
INDEX - - - - - - - - - - - - 314

MEDICAL DEPARTMENTS (ARMY):

REPORT - - - - - - - - - - - - 361
PROCEEDINGS - - - - - - - - - - 363
MINUTES OF EVIDENCE - - - - - - - - 373
APPENDIX - - - - - - - - - - - 655
INDEX - - - - - - - - - - - - 698

REPORT

FROM THE

SELECT COMMITTEE

ON

MASTERS AND OPERATIVES (EQUITABLE COUNCILS OF CONCILIATION);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1856.

respecting the successful working of these institutions. Your Committee would, however, point out that these Conseils have no power to adjudicate with respect to future contracts.

Several attempts have been made in this country to establish systems of arbitration, without the intervention of law. They are said to have been successful as long as they lasted, but have been generally of short duration. A system of arbitration now established in the Potteries works well, and is deserving of consideration. It has lasted three years, and a desire is there felt that it should receive legal sanction, which it is thought would secure its continuance.

It is proposed by some of the witnesses to extend the jurisdiction of any Courts of Conciliation that may in this country be established beyond that of the Conseils de Prud'hommes in France, or that recognised by the Arbitration Acts in England. These witnesses consider that either party to a dispute as to the terms of a future contract should be entitled to have it adjudicated upon by these Courts, and that although their decision should not be legally binding, yet, being published, its moral effect would in most cases ensure a compliance with it. Some witnesses expressed a desire that these Courts should have power to regulate the rate of wages.

The employers who have given evidence before Your Committee have differed in opinion as to the propriety of establishing tribunals of this kind; some of them, as Mr. W. E. Foster, thinking that they would, in most cases, be productive of more evil than good; others, as Mr. M. D. Hollins, being strongly in favour of their establishment.

From the evidence before them, Your Committee cannot but arrive at the conclusion, that the attention of the Legislature might with advantage be directed to the subject of this inquiry, and are of opinion that the formation of Courts of Conciliation in the country, more particularly in the large commercial and manufacturing and mining districts, would be beneficial. Your Committee would suggest that such a measure might be introduced as an amendment in the present Arbitration Act, by a reconstruction of that Act in the 10th and 13th sections, by which means both masters and operatives would be enabled, each from their own class or calling, to appoint referees, an equal number by each party, having power to elect a chairman unconnected with either side having a casting vote. Such a tribunal to be appointed for a certain period, and not for any particular controversy.

In addition to the above suggestions, Your Committee are of opinion that it would be desirable, in order to give greater permanence and force to such Boards of Arbitration as those above alluded to as having been formed in the Potteries and other trades and districts, that authority should be given to the Secretary of State, on application being made to him, to license Boards of this description, and that immediately on such licence being granted to any such Board, it should be invested with power to decide all questions relating to existing contracts which might be brought before it, and to enforce its decisions.

Your Committee are, however, of opinion that it would be impossible to give these or any other tribunals any power whatever of forcibly regulating the rate of wages, although advantages might frequently arise, even in disputes on that subject, from the existence in the district of a Board of Arbitration chosen from among the masters and workmen in the trade in which such dispute might occur, as, in the opinion of Your Committee, both parties would frequently be willing in that case voluntarily to refer the question to the decision of such a Board.

8 *July* 1856.

PROCEEDINGS OF THE COMMITTEE.

Martis, 4° *die Februarii*,, 1856.

MEMBERS PRESENT:

Mr. Booker Blakemore.	Mr. Kinnaird.
Mr. Cobbett.	Mr. Mackinnon.
Viscount Duncan.	Lord John Manners.
Mr. Gordon.	Mr. Pellatt.
Mr. Leveson Gower.	Mr. Pollard-Urquhart.
Sir Henry Halford.	Mr. Wise.
Mr. Ingham.	

Mr. *Mackinnon* was called to the Chair.

The Committee considered the course of their proceeding, and agreed to the following Resolutions thereon.

1st. Evidence on the relations between Masters and Operatives, and the bearings of the laws and customs thereon.

2d. To investigate how far the working of the Councils of the Prud'hommes in France is efficacious.

3d. To inquire whether any, and, if any, what alterations might be made with advantage in the laws as between Masters and Operatives.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 6° *die Martii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Mr. Booker Blakemore.	Mr. Wise.
Lord John Manners.	Mr. Gordon.
Viscount Goderich.	Mr. Leveson Gower.
Viscount Duncan.	Mr. Ingham.
Mr. Pollard-Urquhart.	Mr. Kinnaird.
Sir Henry Halford.	Mr. Pellatt.

Mr. *Thomas Winters* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 11° *die Martii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Viscount Duncan.
Mr. Booker Blakemore.	Viscount Goderich.
Mr. Pollard-Urquhart.	Mr. Kinnaird.
Mr. Wise.	Lord John Manners.
Mr. Leveson Gower.	Mr. Cobbett.
Mr. Pellatt.	

Mr. *Thomas Winters* and Mr. *Edward Humphries* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 13° *die Martii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Viscount Duncan.
Mr. Wise.	Mr. Ingham.
Mr. Pellatt.	Viscount Goderich.
Mr. Pollard-Urquhart.	Mr. Cobbett.
Mr. Leveson Gower.	Mr. Kinnaird.
Mr. Booker Blakemore.	Mr. Gordon.

Mr. *Guilford Lindsay Molesworth* and Mr. *Robert Essery* examined.

[Adjourned to Thursday, the 3d of April, at One o'clock.

Jovis, 3° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Mr. Kinnaird.
Mr. Pellatt.	Mr. Cobbett.
Lord John Manners.	Mr. Leveson Gower.
Mr. Pollard-Urquhart.	Mr. Gordon.
Mr. Wise.	Viscount Goderich.
Mr. Ingham.	Viscount Duncan.

Motion made, and Question, "That upon the first head of this inquiry no witness shall be examined unless he be actually either an employer of labour or an operative, except in the case of persons whose evidence may be considered by the Committee as likely to be of special importance" (Viscount *Goderich*), put, and negatived.

Mr. *W. Felkin* and Mr. *John Andrews* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 8° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Lord John Manners.	Mr. Gordon.
Mr. Pollard-Urquhart.	Mr. Leveson Gower.
Mr. Cobbett.	Mr. Pellatt.
Sir Henry Halford.	Mr. Booker Blakemore.
Mr. Wise.	Mr. Lowe.
Viscount Goderich.	Mr. Kinnaird.

Mr. *William Edward Forster* examined.

Motion made, and Question, "That on Tuesday, the 15th instant, the Committee will proceed to the examination of witnesses with respect to the working of the existing Conseils des Prud'hommes in France" (Mr. *Gordon*), put, and negatived.

Mr. *Sidney Smith* and Mr. *Thomas Murray Gladstone* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 15° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Viscount Goderich.	Mr. Cobbett.
Lord John Manners.	Mr. Kinnaird.
Mr. Pollard-Urquhart.	Mr. Leveson Gower.
Mr. Wise.	Mr. Pellatt.
Sir Henry Halford.	

Mr. *William Newton*, Mr. *John Howsham*, Mr. *William Edward Forster*, Mr. *James Pillans Wilson*, and Mr. *George Ferdinando* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 17° *die Aprilis*, 1856.

MEMBERS PRESENT:

MR. MACKINNON in the Chair.

Mr. Pollard-Urquhart.	Mr. Pellatt.
Sir Henry Halford.	Mr. Wise.
Mr. Lowe.	Mr. Ingham.
Viscount Duncan.	Mr. Cobbett.
Lord John Manners.	Mr. Booker Blakemore.
Mr. Leveson Gower.	Mr. Kinnaird.

Mr. *Samuel Higginbotham* and Mr. *Charles M'Donald* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 24° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Viscount Duncan.	Mr. Ingham.
Mr. Pollard-Urquhart.	Mr. Booker Blakemore.
Lord John Manners.	Mr. Cobbett.
Mr. Pellatt.	Mr. Kinnaird.

Mr. *Robert Aglionby Slaney*, Mr. *Thomas Joseph Dunning*, and Mr. *John Ferdinando* examined.

[Adjourned to Tuesday next, One o'clock.

Martis, 29° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Mr. Cobbett.
Mr. Pollard-Urquhart.	Mr. Leveson Gower.
Mr. Pellatt.	Viscount Goderich.
Mr. Wise.	Mr. Booker Blakemore.
Lord John Manners.	Mr. Kinnaird.

Mr. *John Hammill*, Mr. *Michael D. Hollins*, and Mr. *Wm. Essery* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 6° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Mr. Leveson Gower.	Mr. Kinnaird.
Mr. Pellatt.	Viscount Goderich.
Sir Henry Halford.	Mr. Gordon.
Mr. Pollard-Urquhart.	Lord John Manners.

Mr. *William Maitland* and Mr. *John Avent* examined.

[Adjourned to Thursday, at One o'clock.

Jovis, 8° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Mr. Kinnaird.
Mr. Wise.	Viscount Duncan.
Mr. Pollard-Urquhart.	Viscount Goderich.
Lord John Manners.	Mr. Leveson Gower.
Mr. Booker Blakemore.	

Sir *Henry Halford*, a Member of the Committee, and Viscount *Goderich*, a Member of the Committee, examined.

[Adjourned to Thursday, 22d May, at One o'clock.

Jovis, 22° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Sir Henry Halford.	Mr. Gordon.
Mr. Wise.	Mr. Kinnaird.
Viscount Duncan.	Mr. Cobbett.
Mr. Pollard-Urquhart.	Mr. Booker Blakemore.
Viscount Goderich.	Mr. Pellatt.
Mr. Leveson Gower.	

Mr. *John C. Proudfoot* and Mr. *Hugh Lees* examined.

[Adjourned *sine die*.

Jovis, 11° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Mr. Booker Blakemore.	Viscount Duncan.
Mr. Pollard-Urquhart.	Mr. Wise.
Mr. Gordon.	Mr. Ingham.
Viscount Goderich.	Mr. Lowe.
Mr. Cobbett.	Mr. Leveson Gower.

The Committee deliberated, and

[Adjourned to Tuesday, 24th instant, at Twelve o'clock.

Jovis, 26° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Viscount Duncan.	Sir Henry Halford.
Lord J. Manners.	Mr. Cobbett.
Viscount Goderich.	Mr. Pellatt.
Mr. Booker Blakemore.	Mr. Ingham.
Mr. Wise.	Mr. Leveson Gower.
Mr. Gordon.	

[Adjourned to Tuesday next, at Twelve o'clock, for the consideration of the Report.]

Martis, 1° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MACKINNON in the Chair.

Viscount Goderich.	Mr. Ingham.
Lord John Manners.	Mr. Gordon.
Mr. Booker Blakemore.	Mr. Pellatt.
Sir Henry Halford.	Mr. Cobbett.
Viscount Duncan.	Mr. Kinnaird.
Mr. Leveson Gower.	Mr. Lowe.
Mr. Wise.	

Draft Report proposed by Mr. *Booker Blakemore* read 1°, as follows:

"IN reporting to The House the course of proceedings which Your Committee adopted, and the conclusions at which they have arrived, they have to state that they prescribed to themselves the following objects for their consideration:

"1st. The relation between Masters and Operatives, and the bearings of the Laws and Customs thereon.

"2d. How far the working of the Councils of the '*Prud'hommes*' in France has been efficacious.

"3d. Whether any, and if any, what alterations might be made, with advantage, in the Laws as between Masters and Operatives.

"In the progress of their investigation they found that the 1st and 2d heads which they proposed to themselves as separate objects of their inquiry speedily merged together in one; and in merging them, the witnesses who came before them, gave evidence of a most instructive and valuable description, to which they point the attention of The House.

"The witnesses who first offered their evidence, and who came before Your Committee with the most marked alacrity, were practical men, personally acquainted with the nature and pressure of the questions on which they sought to give information, and their information was given with the utmost frankness. These were the acting secretaries and officers of great trade unions and associations, who were in daily and confidential intercourse with the operatives of the respective trades, and branches of industrial employment, whose grievances and opinions they appeared to Your Committee authoritatively to represent. Their evidence was followed up by that of various operatives themselves, and by others who felt an identity of interest with them, and who sympathised in their prosperity or misfortunes.

"It was with pain that Your Committee found an antagonistic feeling to prevail between the employers and employed, or between the masters and operatives; that combinations for the support of their fancied interests feebly existed among the employers, while unions and combinations of the most rigid and extensive character prevail, and pervade almost the entire mass of the operative and industrial classes, who ply the trades which gives them employment, with the exception of the agricultural classes, among whom no evidence nor information was given to Your Committee that any collisions of fancied separate interests, nor mistrusts of mutual and reciprocal reliance on and confidence in each other, prevailed. Mr. G. L. Molesworth, 801, 802, 803

"Your Committee found it difficult, if not impossible, to arrive at a conclusion whether the differences of opinion and disputes arising therefrom were engendered by a too arbitrary exercise of the powers of capital, on the one hand, or a too sensitive resentment of real or supposed

supposed grievances and exactions by those who live by the practice of their ingenuity or the toil of their labour, on the other; and on this point they refer The House to the copious evidence in the Appendix, which they believe cannot be read with indifference by The House or the public, who knew the national importance of the manufacturing, and mining and maritime establishments of the country.

2386. "This evidence sets forth the claims insisted on by the operatives, and the evidence of Mr. Hollands, a large and energetic and considerate employer of labour in the Staffordshire Potteries, indicates to what extent he, with his extensive and matured experience, and perhaps a large body of masters in his own and other trades, would be disposed to concede.

"From all this evidence, however, it appeared to Your Committee that the relations between masters and operatives are not satisfactory.

"That the bearings of the existing laws and customs thereon are embarrassing.

"And that alterations may be made with advantage not only to the masters and operatives themselves, but to all other classes of the community.

"The more recent Acts of the Legislature, since the repeal of the Combination Laws, do not appear to Your Committee to have given satisfaction either to the employers or the employed, amongst whom there prevails a mutual dislike to magisterial interference, or to an appeal to the courts of law, for the settlement of any differences that may arise between them. The Act 5 Geo. 4, c. 96, intituled 'An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen,' is, from its confused construction, little known or understood; it is, moreover, tedious and vexatious in its operation, and unsatisfactory in its results, being supposed to be—

"1st. Limited in its application to certain trades and cases of dispute, instead of being of general application.

"2d. Because where the interference and application of the Act is compulsory, everything has to be done through a justice of the peace, who, when left to decide, finds himself unable to do so with satisfaction even to himself, from his probable want of a practical knowledge of the nature and details of the case before him.

Mr. Hammill. "On this head Your Committee would refer The House to the Evidence of Mr. Hammill (2318).

"But Your Committee is of opinion that this Act goes very far in its interference with private rights, and with arrangements made between man and man; perhaps as far as is safe and consistent with the free control of capital invested under the protection of the law, and the free exercise and enjoyment of the powers of labour. The 13th Clause is as follows:—

"'Provided always, and be it further enacted, that as well in all such cases of dispute 'as aforesaid, *as in all other cases, if the parties mutually agree,* that the matter in dispute 'shall be arbitrated and determined *in a different mode to the one* hereby prescribed, such 'agreement shall be valid, and the award and determination thereon final and conclusive 'between the parties; and the same proceedings of distress and sale and imprisonment, as 'hereafter mentioned, shall be had towards enforcing such award (by application to any 'justice of the peace of the county, stewartry, riding, division, barony, city, town, burgh, or 'place within which the parties shall reside), as are by this Act prescribed for enforcing 'awards made under and by virtue of its provisions.'

"It is obvious that a compulsory enforcement of the interference and decisions of courts of arbitration would be objectionable and galling to masters who, by immense investments of their capital, give employment to bodies of men enumerated by thousands; and from the evidence, it appears that such compulsory enforcement and interference is not asked for by the operatives.

Mr. E. Humphries, 559, 560, 561, 562, and 563.

"Your Committee is of opinion that this 13th Clause of the Act 5 Geo. 4, c. 96, is capable of being adapted to the ordinary cases of dispute between masters and operatives which are the precursors of strikes, and that upon it may be grafted provisions, if not entirely analogous to the system of the *Conseils de Prud'hommes* of France and Belgium, yet more in harmony with our social habits and national institutions.

"That system has been under the consideration of Your Committee, and it appears to them to have produced favourable results in countries where the operative is entirely dependent on his own exertions and the ability and inclination of owners of capital to afford, by its investment, employment to the industrial poor, who have not there, as in this country, a parochial and poor-law system to fall back upon, when the sources of employment fail, and when either caprice or disaster deprives them of their daily bread. For information in regard to the constitution and working of those councils, Your Committee refer to the valuable evidence of a Member of Your Committee, Lord Goderich, and to evidence obtained through the kindness of the Chancellor of the French Imperial Legation in London.

Viscount Goderich. Chancellor of French Legation.

Recommendation. "In conclusion, Your Committee recommends The House to revise, and if possible to extend the provisions of the Arbitration Act (5 Geo. 4, c. 96), especially its 13th clause, as a ground-

ground-work, on principles already recognised by the Legislature, for improving the relations between masters and operatives, rather than an introduction of principles, new in their operation in this country, whose social institution, as Your Committee believes, give to capital its best security, and to labour the most certain means for steady and productive employment and remuneration."

Draft Report proposed by Sir *Henry Halford* read 1°, as follows:

"1. The principle of Equitable Councils of Conciliation in manufacturing districts, consisting of masters and workmen, in which the interests of both classes are represented, and the members chosen by the suffrages of both, is not foreign to the spirit of our Institutions; such Councils appearing at the same time to be well calculated to avert the mischievous results which have been experienced from hostile combinations; to promote a just understanding of mutual rights, interests, and duties, and to correct the evils and anomalies of the estrangement and separation between the two classes, which a system of manufactures, carried on by means of large capitals in the hands of employers has a tendency to create.

"2. That the usefulness of such Councils is attested in France by a practical experience of 50 years from their first establishment, during which they have been gradually extended to all the principal manufactures in the Empire, under different regulations, suited to different circumstances and modes of industry.

"3. That Acts of Parliament for the protection of the working classes in this country, as, for instance, the Ticket Acts applicable to the hosiery and silk manufactures, the Arbitration Act, and the Act to prevent the Payment of Wages otherwise than in Money, are, to a great extent, practically defeated and rendered nugatory. A result, in the opinion of the Committee, to be attributed to the want of a court of ready access, intelligent of the subjects likely to come into question, enjoying the sympathy of the parties concerned, and vested with authority to watch over the general interests of the manufacturing communities to which they might belong.

"4. That the attention of the Committee has been invited to the Proceedings and Report of another Committee of Your Honourable House, which sate last Session, to inquire into the 'Stoppages made from Wages in the Hosiery Manufacture,' in remedy for which such Committee recommended a law to prohibit the stoppages, analogous to the 1 & 2 Will. 4, c. 37.

"5. That Your Committee have reason to believe that proceedings in conformity with such recommendation have been suspended until the result of their inquiry shall be known, under the impression that means may be indicated, in connexion with the subject of it, likely to be effectual in checking the abusive practices complained of in the said manufacture.

"6. Your Committee are of opinion, that an Equitable Council or Councils of Conciliation, established by law and under such provision, with regard to its authority and practice, as might appear necessary at one or more of the principal seats of the hosiery manufacture, is a desirable expedient under the circumstances. That such an institution is not only a suitable remedy for the complaints made by the workmen in this particular manufacture, but might serve as an useful experiment whereby to form a judgment as to the practical working of such institutions in this country, and the prudence of extending them to other branches of manufacture."

Draft Report proposed by Mr. *Leveson Gower* read 1°, as follows:

"1. Your Committee have examined a great number of witnesses of different positions in life, with a view of obtaining as much information as possible concerning the subject of inquiry referred to them for investigation. A considerable majority of these witnesses concur in expressing themselves in favour of some system of Courts of Arbitration between Masters and Workmen being established by law; but on examining their evidence, it will be found that they differ as to the constitution of the proposed Courts of Arbitration, and still more as to their jurisdiction.

"2. Before considering their evidence, or making any suggestion thereon, Your Committee would wish to call the attention of the House to the existing law on the subject of arbitration.

"3. By stat. 5 Geo. 4, c. 96, disputes relating to past contracts arising between masters and workmen may be settled and adjusted by arbitration. The matter to be settled either summarily by a Justice of the Peace, or if that is not agreed to by referees appointed by such justice, and if the referees do not agree, then definitively by the Justice of the Peace. And by the 13th section, in all such cases as aforesaid, as in all other cases of dispute, if the parties mutually agree that the matter in dispute shall be arbitrated and determined on in a different mode to the mode thereby prescribed, such agreement shall be valid, and the award and determination thereon final and conclusive between the parties, and powers given to enforce such award.

"4. This Act appears to be nearly inoperative; hardly any one, whether master or workman, ever resorts to it, and its existence is unknown to many people. This may arise from

legal arbitration not being in this country suited to settle differences arising between masters and workmen. Such, however, is not the opinion of most of the witnesses whom Your Committee have examined.

"5. The following constitute the principal causes attested by them of the failure of this Act:

"1st. Because there exists great unwillingness in both masters and men to go before a magistrate, as implying some amount of disgrace.

"2d. Because the arbitrators being appointed as each case arises, it is not known before-hand who they will be, and there is reluctance to refer a dispute to the decision of an unknown set of men.

"3d. Because the workmen object to magistrates in manufacturing districts, inasmuch as they are generally manufacturers, or else in some way connected with manufacturers. By the Arbitration Act, magistrates who are manufacturers are not permitted to act in arbitration cases.

"6. To obviate these objections, it is proposed to establish in the various manufacturing districts Courts of Conciliation, similar to the Conseils de Prud'hommes which exist in France. It is not necessary to give here any detailed description of these institutions, as a complete, though brief account of them has been printed by the Board of Trade, and is appended to the Evidence. It will be sufficient to state that these Conseils, as at present constituted, consist of an equal number of manufacturers and workmen, presided over by an official nominated by the Government.

"7. The jurisdiction of these courts is similar to that of the arbitrators in this country under the Arbitration Act above referred to. The Conseils de Prud'hommes adjudicate respecting disputes as to party contracts, and respecting all matters of dispute, when appealed to by both parties. This institution is looked upon with favour in France. A Member of your Committee, Lord Goderich, has given, and the Chancellor of the French Legation in London has furnished, valuable evidence respecting the successful working of this institution.

"8. The objections entertained to the Arbitration Act above alluded do not apply to these courts. They have no criminal jurisdiction, and are exclusively reserved to consider trade differences, and therefore no disgrace could be attached to those who go before them.

"9. As the arbitrators, &c., are elected from time to time, the parties who refer matters in dispute to them know what men would adjudicate in the matter.

"10. As the court is formed of an equal number of masters and men, presided over by some neutral person, the objection entertained to magistrates who are manufacturers, or who are connected with manufacturers, does not apply.

"11. Various attempts have been made in this country to establish systems of arbitration without the intervention of law. They are said to have been successful as long as they lasted, but have been generally of short duration. A system of arbitration now established in the Potteries works well, and is deserving of consideration. It has lasted three years, but has not as yet passed the ordeal of a rising market, when strikes are most prevalent. A desire is there felt that it should receive legal sanction, which it is thought would secure its continuance.

"12. It is proposed by some of the witnesses to extend the jurisdiction of any Courts of Conciliation that may in this country be established beyond that of the Conseils de Prud'hommes in France, or that recognised by the Arbitration Acts in England. These witnesses consider that either party to a dispute should be entitled to have it adjudicated upon by these courts, and that, although their decision should not be legally binding, yet, being published, its moral effect would in most cases ensure a compliance with it.

"13. Your Committee hesitate to recommend the adoption of such a novel system of interference in private contracts. It may be moreover, permitted to express a doubt whether masters or operatives, who refuse to refer a matter of dispute for arbitration, would voluntarily comply with a decision obtained without their concurrence.

"14. It is suggested that public opinion would practically force them to comply; but if public opinion was ineffectual in inducing them to refer their case for arbitration, it would likewise be ineffectual in causing them voluntarily to submit to an ex-parte decision.

"15. Other witnesses would extend still further the jurisdiction of these courts, and would give them legal power to enforce their decisions, even where they are appealed to by but one party to a dispute. It is not necessary to consider such a proposal. It is tantamount to forcing individuals to enter into contracts against their wills, which is obviously impossible. Many of the working classes are doubtless in favour of the establishment of Courts of Conciliation, in the hope that they will regulate the amount of wages; but the working classes are much too intelligent for such an expectation to be general among them, and that many of them disclaim any such intention, and are aware of its impracticability, may be gathered from some of the evidence given before Your Committee.

"16. There

"16. There has been a good deal of evidence given respecting strikes, which, all concur in stating, usually originate in disputes about wages. Courts of Arbitration cannot deal with this question, but, being of ready access, and sitting permanently, they might prevent masters in bad times, and workmen in good times, endeavouring to elude their obligations towards each other: a conduct which is sure to alienate one class from the other, and render more difficult the calm consideration of their mutual interests when a rise or reduction of wages is proposed.

"17. Your Committee do not suggest any definite scheme as to the constitution of Courts of Conciliation, which is a matter of detail which can only be worked out after great and mature consideration; but, believing this would be beneficial, they submit the question to the earnest attention of The House."

Draft Report proposed by Viscount *Goderich* read 1°, as follows:

"In conducting the inquiry intrusted to them, Your Committee, in the first place, have endeavoured to obtain information as to the relations existing between Masters and Operatives in various trades, and as to the causes of the differences which, from time to time, spring up between them.

"From the evidence given before them upon this point, Your Committee have found that, in most of the cases in which these differences have become serious, and have ended in what is called a 'strike,' they have been occasioned by disputes concerning, either directly or indirectly, the rate of wages to be paid by the employer to the employed; but they have, at the same time, been led to think that, in many instances, such differences would not have resulted in a strike, if there had not been a previous want of a good understanding and a friendly intercourse between the master and his workmen, and that the real origin of many a strike, apparently arising from a difference as to the rate of wages, may, on examination, be found in some previous dispute about the execution of a piece of work, the value of work done by the piece, or the amount of stoppage to be made, in accordance with some practice of the particular trade or shop, from the wages of the workmen, or some similar matter, in which the operatives consider that their fellow-workman especially concerned in the case has been harshly dealt with by their master, or the law too rigorously enforced. A bad feeling thus springs up between the employer and those whom he employs. Mutual suspicion and estrangement ensues, and when differences arise as to the rate of wages, it becomes impossible to arrange them amicably. Any system which would tend to settle these individual disputes in a manner satisfactory to both parties by the intervention of a tribunal, in the justice and practical knowledge of which both had confidence, would, of course, be calculated to render the resort to the last alternative of a strike less frequent.

"Evidence has been given to Your Committee with respect to certain general strikes, embracing whole trades and districts, which have taken place of late, and Your Committee has learnt, with regret, that on some of these occasions, both sides have been banded together in powerful hostile combinations, and that the employers have, in imitation of the Trades' Unions, and strikes of the workmen, united into bodies called 'Masters' Associations,' and retaliated on the operatives by shutting the works against them, and 'locking them out,' as it is called, even in cases in which there was no dispute between the employer so acting and the men in his own employ. It is evident that such proceedings are highly injurious, not merely to the Masters and the Operatives immediately concerned, but to the whole district in which the 'strike' or 'lock out' occurs, and also to the public interests in general, and that they tend directly to destroy those feelings of good-will and mutual interest, which it is of the utmost importance should exist between the employer of labour and those whom he employs, and to array masters and workmen in two opposing classes, connected with each other by no tie except the payment and receipt of wages, and ready to break out into hostility on every slight provocation.

"Your Committee having, in accordance with their order of reference, proceeded to inquire into the opinions of the various witnesses who have appeared before them as to the expediency of establishing equitable tribunals for the amicable adjustment of differences between masters and operatives, have found that the witnesses representing the working classes were, without an exception, in favour of the establishment of such tribunals. They desired that they should be composed of an equal number of masters and of operatives, elected from and by their respective classes, and presided over by a chairman, either chosen by the tribunal itself, or nominated by the Government. With regard to the powers of these tribunals, there was much difference of opinion among these witnesses, several of them desiring that they should have some power to regulate the rate of wages.

"The employers who have given evidence before Your Committee have differed in opinion as to the propriety of establishing tribunals of this kind; some of them, as Mr. W. E. Forster, thinking that they would, in most cases, be productive of more evil than good; others, as Mr. M. D. Hollands, being strongly in favour of their establishment.

"Your Committee have learnt that of late years, in several important branches of industry, such as ship-building, carpet-weaving, the potteries, &c., Boards of Arbitration have

have been established, and that their action, although purely voluntary, has been generally successful; and Your Committee has also received evidence as to the working of the Conseils de Prud'hommes, established in France and Belgium, from which it appears that these tribunals have proved highly successful in those countries, and have, in the opinion of persons well qualified to judge, tended to maintain good relations between the employers and the employed, and prevent the occurrence of strikes. A full account of the organisation and operations of the Conseil de Prud'hommes at Lyons will be found in the Appendix to the Evidence.

"The attention of Your Committee has been directed to the present Arbitration Act (5 Geo. 4, c. 96), and they have found that its existence is very little known either to masters or operatives, and that in many large districts of the country it has never been heard of. Those operatives who have given evidence before Your Committee, who were acquainted at all with this Act, have expressed a dislike to the mode of procedure established by it, upon the ground, that, in all cases under it, it is necessary to apply to a justice of the peace in the first instance, which is supposed by these witnesses to bear something of the appearance of a criminal proceeding, and to which consequently they strongly object. Although Your Committee are not of opinion that this objection is well-founded, inasmuch as justices of the peace have many other functions to perform besides that of administering criminal justice, yet, as they believe that much advantage might ensue from the more frequent use of the mode of arbitration established by this Act, they would suggest that, in order to obviate the dislike felt to it on this account, the Act should be so amended that some person other than a justice of the peace should hereafter be entrusted with the duty of appointing the arbitrators or referees.

"Your Committee would also recommend, as a useful and desirable amendment of the present law, that the arbitrators or referees should be required, as in ordinary arbitrations, to nominate, before proceeding to investigate the matter referred to them, an umpire, who should decide finally in case the arbitrators or referees could not agree, and that section 10 of the present Act should be altered accordingly.

"In addition to the above suggestions, Your Committee, reviewing the evidence which has been laid before them, have arrived at the conclusion that much public advantage might be derived from the more general establishment of such Boards of Arbitration as those above alluded to as having been formed in the Potteries and other trades and districts, and that it would be desirable, in order to give greater permanence and force to such Boards, that authority should be given to the Secretary of State, on application being made to him, to license Boards of this description, and that immediately on such license being granted to any such Board it should be invested with full power to decide all questions relating to existing contracts which might be brought before it, and to enforce its decisions, and that it should also be permitted to give a decision upon any other question which might be voluntarily submitted to it by both parties. Your Committee make this recommendation because, while they are not of opinion that it would be possible at the present time to establish Boards of Arbitration throughout the country by a general law, it appears to them that many of the individual disputes above alluded to might be amicably settled, and a fruitful cause of more serious differences be removed by the legalisation of Boards of this description in any trades and districts in which the Masters and Operatives generally may show themselves willing to place confidence in the justice and practical wisdom of their decision. Your Committee are of opinion that it would be impossible to give these or any other tribunals any power whatever of forcibly regulating the rate of wages, although advantages might frequently arise, even in disputes on that subject, from the existence in the district of a Board of Arbitration chosen from among the masters and workmen in the trade in which such dispute might occur, as, in the opinion of Your Committee, both parties would frequently be willing in that case voluntarily to refer the question to the decision of such a Board.

"A suggestion was made to Your Committee by three of the employers examined before them, Mr. W. E. Forster, Mr. T. M. Gladstone and Mr. J. P. Wilson, which Your Committee think worthy of serious consideration. These gentlemen suggested that in the event of a general strike occurring in any large trade or district, the Secretary of State should be authorised to appoint a fit person as Commissioner to inquire on the spot into the circumstances of the dispute; that if both parties should agree to abide by the decision of such Commissioner, his decision should be binding as to the matters then in dispute; but that if either party should decline so to abide by his decision, he should then merely make his report to the Secretary of State, which should be forthwith published. The witnesses who made this recommendation were of opinion that by this means an impartial judgment upon the matters in dispute would at all events be obtained, after full investigation, which would have a very strong tendency to put an end to the quarrel, because it would be sure to bring the public opinion of the country to bear against the parties who should be shown to be in the wrong, and would by this means spare the district and the country in general the great evils which always result from a prolonged contest of this kind; and in this opinion Your Committee coincide."

Draft Report proposed by the *Chairman* read 1°, as follows:

"In the Report to be laid before The House, Your Committee think the most eligible mode of proceeding may be to separate into three several parts the subject under consideration, and to follow the course taken in the examination before them.

"1st. Evidence on the relations between Masters and Operatives, and the bearings of the Laws and Customs thereon.

"2d. To investigate how far the working of the Councils of the *Prud'hommes* in France is efficacious.

"3d. To inquire whether any, and if any, what Alterations might be made with advantage in the Laws as between Masters and Operatives.

"On the first of these heads, Your Committee have examined a considerable number of witnesses, including masters and operatives, engineers, secretaries of trades' unions and others, qualified to give information on the subject, persons well acquainted with the sentiments of the various classes to which they belonged; these individuals have generally given their evidence in a spirit of fairness which evinced their desire to afford correct information. From their statement, it appears that strikes are perpetually taking place in some district of the Empire or the other, probably not less than once a week. These strikes, it is evident, are injurious to the employers, the employed, and to the small retail dealers in the district where they occur, and, it may be added, to the interests of all in the vicinity, and if extended or becoming general, might endanger the social order of society.

"The chief cause of these disputes, when they take place, appears to arise from a want of confidence and sympathy between masters and workmen, the difficulty of access and the separation of caste, feeling, and good will, which might be changed into a much kinder sentiment by a more intimate acquaintance of each other's views, and a knowledge of the laws which regulate trade, commerce, capital, and labour; nearly all these severe struggles for mastership or right would fall to nothing, and be numbered among the events of the past, without a probability of recurrence, if some tribunal were established, in which both masters and operatives, and particularly the latter, reposed full confidence. It must be obvious that in such a variety of interests antagonistic to each other, endless differences will occur, and that a recurrence to legal measures only inflames the passions of the parties interested, which differences, if settled by some other means, might be satisfactorily adjusted. Take, for example, the rules and regulations of large factories and other places, having reference to fines under various pleas, for which stoppages are made from the wages earned; deductions from wages for supposed defective work, delays in finishing the work, weight, measurement, quantity, quality or solidity of work, or the not finishing the work in a good and workmanlike manner; disputes respecting what stoppages (if any) should be made for workmen using the machinery, tools, benches, tables, or other apparatus necessary for manufacture or finishing the same; also, the diminution of wages under one pretence or other by the superintendents or master.

"Disputes also arise out of mistakes in written or verbal contracts regarding time and labour, and a variety of customs which prevail in most trades, and in various towns and districts, which may be considered by masters and men as legal, on which there seems no probability that a magistrate can decide and give satisfaction to all concerned. The usual mode employed by masters, whenever an alteration in wages or in the hours for labour is desired by them, seems to be by a general notice affixed in some part of their works, intimating that on and after a certain day such an alteration will be made, and in the same manner the workmen, when desiring to make any alterations in their regulations or prices, forward a general note, or request to the manager or principal employer, that on and after a certain period they shall expect such and such terms to be complied with. In either of the above cases success or defeat depends more upon the strength or weakness of master or workman than upon the reasonableness or justice of the case. This mode of proceeding is objectionable, and creates dissatisfaction on one side or the other, sometimes in both, and a more frequent, easy, and satisfactory intercourse between the parties is felt to be most desirable. Sometimes changes in the management of works or alterations in prices lead to misapprehension in the minds of the men as to the intentions of their employers, which may be perverted, and thereby an unfavourable feeling arises; at other times a stoppage of wages by the superintendent, though reasonable, is often misunderstood, and causes distrust; these differences, that must inevitably take place in a variety of trades and manufactures, increase or create an unfriendly spirit, and eventually lead to an open rupture between the parties, causing an unnatural estrangement of good feeling, which turns into animosity, and ends in a severe struggle for mastership; this unfortunate result might be averted by a friendly intercourse in the commencement of the difference, and thereby prevent great loss and misery to all parties concerned.

"A strong desire appears on the part of the operatives, and even of the masters, to have established, in all large mercantile, manufacturing, and mining districts, Courts of Conciliation, to be composed of an equal number of masters and operatives, chosen from their respective classes, with an impartial chairman, having a casting vote, with power to hear and determine all matters of dispute between employers and employed in whatsoever relation they may be to each other, the power of fixing a tariff of prices of labour always excepted.

"That there is a mutual dislike both by masters and workmen to have to refer to the present Act (5 Geo. 4, c. 96), for the settlement of disputes is proved by the evidence; thus, one dispute after another is left in abeyance to accumulate, which eventually produces annoyance and misery to the men, wretchedness in the district, and a waste of property and removal of skill, capital, and industry to elsewhere.

"That the Act 5 Geo. 4, c. 96, entitled, "An Act to consolidate and amend the laws relative to the arbitration of disputes between masters and workmen," is defective in its construction, tedious and vexatious in its operation, and unsatisfactory in its results, appears for these reasons:

"1. It is limited in its application to trades and cases of dispute, and in many important particulars demands the consent of both complainant and defendant before it can be brought into operation, which therefore renders the Act nugatory.

"2. Everything has to be done through a justice of the peace where it is compulsory, which gives satisfaction to none, it bearing the impress of a criminal proceeding, and when resorted to by workmen generally terminates in the loss of employment.

"3. The magistrate, when left to decide, finds himself unable to do so fairly and honestly, from his want of a practical knowledge of the case in dispute; and, as the worthy magistrate examined before Your Committee forcibly expressed himself, 'A dispute will arise as to whether a piece of work has been done in a workmanlike and an efficient manner; one party says that it has, and the other that it has not. They bring the material, and put it to me, and say, the man says, "It is the fault of the material; I could not do the work any better." The master asserts that the material is perfectly good. How am I to come to any conclusion? The piece (it may be a piece of velvet or silk) is put before me, and I am told to look at it and judge, and I feel my inefficiency as a tribunal in the last instance * * * * for it is, as you may suppose, a most painful thing to me to have to come to a conclusion, not knowing anything whatever of the material, upon the assertions on the one side, and the contradictions on the other.'

Hammill's Evidence, 2318.

"Another anomaly exists in this Act which renders all reference to an equitable arbitration nugatory. The magistrate is empowered to name a certain number of persons as umpires, out of which the workmen may choose, instead of allowing them to select their own representatives. Much as if a judge, in an ordinary case, were to name the jury to try the cause. The workmen, always jealous of undue influence, will never give entire confidence to such a council.

"The system of a Conseil de Prud'hommes in France and Belgium has been under the consideration of Your Committee, and appears to have been productive of favourable results, and to increase the social welfare of the parties employed in manufactures, and is also approved by the opulent and extensive master manufacturers of Lyons, as appears from the very able and convincing evidence of a member of this Committee.

See Appendix.

"Similar evidence has been obtained from the Chancellor of the French Imperial Legation in London, who with great kindness sent to France to ascertain the results of the system of Prud'hommes, and the manner in which it worked in that country.

See Appendix to Evidence.

"The system of the Prud'hommes in Belgium seems to be favourably received by the community, From the evidence in the Appendix, it appears that equitable tribunals are established there. The great principle of an equitable tribunal for adjusting differences has been adopted, and the mode of application is made more applicable to the existing institutions. As the Belgian writer remarks, 'The system of Equitable Councils of Conciliation ought to be generally known, and the indifference on the subject ought to be dissipated for one of the noblest creations that reflects honour on the present century.'*

"From the evidence before them, Your Committee cannot but arrive at the conclusion that the attention of the Legislature might with advantage be directed to the subject, and they are of opinion that the formation of Courts of Conciliation in the country, more particularly in the large commercial and manufacturing and mining districts, composed of an equal number of masters and workmen, selected by their class, with a chairman chosen by both parties, or if not agreeing, by the Board of Trade, to hear and determine all disputes which may arise between masters, overlookers, operatives, apprentices, and others, and to report annually to Parliament the number and description of cases submitted to them for adjudication, and the result, would be beneficial. There is no necessity to enter into the details at present for the formation of this Council; Your Committee would only suggest that such a measure might be brought out as an amendment to the present Arbitration Act, and by these means that Act and other Acts, now nearly a dead letter, would be brought out into active operation and general use. In the present day it appears that Councils of Arbitration are more in accordance with the spirit of the age and the wishes of the community than in days of by-gone years. On taking a glance at the manner in which disputes were determined in former times, their settlement seems to have varied with the age and the amount of barbarism or civilisation that existed.

"Your

* Michael Chevalier, Political Economy, 1848.

"Your Committee hope that as society advances the admirable system of an impartial jury, which, in fact, is the Court of Arbitration, may be established, distributing justice as fairly and more satisfactorily, and at a less expense than is now incurred, promoting good will amongst all classes, and augmenting the welfare and happiness of the community."

Motion made, and Question put, "That the Draft Report proposed by Mr. Booker Blakemore be read 2°, and considered paragraph by paragraph." Committee divided:

Aye, 1.	Noes, 9.
Mr. Booker Blakemore.	Viscount Goderich. Mr. Ingham. Viscount Duncan. Mr. Cobbett. Mr. Leveson Gower. Mr. Wise. Mr. Gordon. Sir Henry Halford. Lord John Manners.

Motion made, and Question, "That the Draft Report proposed by Sir Henry Halford be read 2°, and considered paragraph by paragraph," put, and negatived.

Motion made and Question put, "That the Draft Report proposed by Mr Leveson Gower be read 2°, and considered paragraph by paragraph." Committee divided:

Ayes, 6.	Noes, 5.
Viscount Duncan. Mr. Cobbett. Mr. Booker Blakemore. Mr. Leveson Gower. Mr. Wise. Sir Henry Halford.	Viscount Goderich. Mr. Ingham. Mr. Pellatt. Mr. Gordon. Lord John Manners.

Draft Report proposed by Mr. Leveson Gower, read 2°.

Paragraph 1, read, amended, and agreed to.

Paragraph 2, read, and agreed to.

Paragraph 3, read, amended, and agreed to.

Paragraph 4, read:—Amendment proposed, to leave out the whole of this paragraph, and insert the following paragraph in lieu thereof:—"Your Committee have found from the evidence of the various witnesses that they have examined, that the existence of this Act is very little known either to masters or operatives, and that in many large districts of the country it has never been heard of. Those operatives who have given evidence before Your Committee, who were acquainted at all with this Act, have expressed a dislike to the mode of procedure established by it, upon the ground, that, in all cases under it, it is necessary to apply to a justice of the peace in the first instance, which is supposed by these witnesses to bear something of the appearance of a criminal proceeding, and to which consequently they strongly object. Although Your Committee are not of opinion that this objection is well-founded, inasmuch as justices of the peace have many other functions to perform besides that of administering criminal justice, yet, as they believe that much advantage might ensue from the more frequent use of the mode of arbitration established by this Act, they would suggest that, in order to obviate the dislike felt to it on this account, the Act should be so amended that some person other than a justice of the peace should hereafter be entrusted with the duty of appointing the arbitrators or referees" (Viscount *Goderich*):—Question put, "That the words 'this Act appears to be inoperative,' stand part of the proposed paragraph." Committee divided:

Ayes, 9.	Noes, 3.
Mr. Ingham. Mr. Cobbett. Mr. Booker Blakemore. Mr. Kinnaird. Mr. Pellatt. Mr. Leveson Gower. Mr. Wise. Sir Henry Halford. Lord John Manners.	Viscount Goderich. Viscount Duncan. Mr. Gordon.

Amendment proposed, to leave out the words "hardly any one, whether master or workman ever resorts to it, and its existence is unknown to many people," and insert the following words:—"Your Committee have found from the evidence of various witnesses examined before Your Committee, that the existence of this Act is very little known either to masters or operatives, and that in many large districts of the country it has never been heard of. Those operatives who have given evidence before Your Committee,

who were acquainted at all with this Act, have expressed a dislike to the mode of procedure established by it, upon the ground, that, in all cases under it, it is necessary to apply to a justice of the peace in the first instance, which is supposed by these witnesses to bear something of the appearance of a criminal proceeding, and to which consequently they strongly object," instead thereof (Mr. *Gordon*):—Question put, "That the words proposed to be left out stand part of the paragraph." Committee divided:

Ayes, 7.	Noes, 4.
Mr. Ingham.	Viscount Goderich.
Mr. Cobbett.	Viscount Duncan.
Mr. Booker Blakemore.	Mr. Gordon,
Mr. Kinnaird.	Mr. Wise.
Mr. Leveson Gower.	
Sir Henry Halford.	
Lord John Manners.	

Amendment proposed, and Question, "That all the words from the word 'people' to the end of the paragraph, be omitted," put, and agreed to.

Paragraph, as amended, agreed to.

Paragraph 5, read, amended, and agreed to.

Paragraph 6, read, amended, and agreed to.

Paragraph 7, read, amended, and agreed to.

Paragraphs 8, 9, and 10 read, and by leave withdrawn.

Paragraph 11 read, and amended, by leaving out the first word "various" and inserting "several" instead thereof:—Amendment proposed, to insert between the words "country" and "to" in the first line of the paragragh, the words "with various success" (Mr. *Booker Blakemore*):—Question put, "That those words be there inserted." Committee divided:

Ayes, 4.	Noes, 8.
Mr. Lowe.	Viscount Goderich.
Viscount Duncan.	Mr. Ingham.
Mr. Booker Blakemore.	Mr. Cobbett.
Sir Henry Halford.	Mr. Kinnaird.
	Mr. Leveson Gower.
	Mr. Wise.
	Mr. Gordon.
	Lord John Manners.

Further Amendments made.

Paragraph, as amended, agreed to.

Paragraph 12 read:—Amendment proposed, to leave out the words "these witnesses consider that," and insert the following words, "The witnesses representing the working classes were, without an exception, in favour of the establishment of such tribunals. They desired that they should be composed of an equal number of masters and of operatives, elected from and by their respective classes, and presided over by a chairman, either chosen by the tribunal itself, or nominated by the Government. With regard to the powers of these tribunals, there was much difference of opinion among these witnesses, several of them desiring that they should have some power to regulate the rate of wages, and others considering that" instead thereof (Viscount *Goderich*):—Question put, "That the words proposed to be left out stand part of the paragraph." Committee divided:

Ayes, 7.	Noes, 5.
Mr. Ingham.	Mr. Lowe.
Mr. Cobbett.	Viscount Goderich.
Mr. Booker Blakemore.	Viscount Duncan.
Mr. Kinnaird.	Mr. Leveson Gower.
Mr. Wise.	Mr. Gordon.
Sir Henry Halford.	
Lord John Manners.	

Amendment proposed, in the fourth line of the paragraph, between the words "dispute" and "should," to insert the words "as to the terms of a future contract" (Mr. *Leveson Gower*):—Question put, "That those words be there inserted." Committee divided:

Ayes, 8.	Noes, 4.
Mr. Lowe.	Viscount Duncan.
Viscount Goderich.	Mr. Booker Blakemore.
Mr. Ingham.	Mr. Kinnaird.
Mr. Cobbett.	Mr. Wise.
Mr. Leveson Gower.	
Mr. Gordon.	
Sir Henry Halford.	
Lord John Manners.	

Amendment

Amendment proposed, at the end of the paragraph, to add the following words, "Some witnesses expressed a desire that these courts should have power to regulate the rate of wages" (Lord *John Manners*):—Question put, "That those words be there added." Committee divided:

Ayes, 9.	Noes, 3.
Mr. Lowe.	Mr. Booker Blakemore.
Viscount Goderich.	Mr. Kinnaird.
Mr. Ingham.	Mr. Wise.
Vicount Duncan.	
Mr. Cobbett.	
Mr. Leveson Gower.	
Mr. Gordon.	
Lord John Manners.	
Sir Henry Halford.	

Paragraph, as amended, agreed to.

Motion made, and Question proposed, That the following words be added to the proposed Report: "The employers who have given evidence before Your Committee have differed in opinion as to the propriety of establishing tribunals of this kind; some of them, as Mr. W. E. Forster, thinking that they would, in most cases, be productive of more evil than good; others, as Mr. M. D. Hollins, being strongly in favour of their establishment." (Viscount *Goderich*). Question put. Committee divided:

Ayes, 7.	Noes, 5.
Mr. Lowe.	Mr. Cobbett.
Viscount Goderich.	Mr. Booker Blakemore.
Mr. Ingham.	Mr. Kinnaird.
Viscount Duncan.	Mr. Wise.
Mr. Leveson Gower.	Sir Henry Halford.
Mr. Gordon.	
Lord John Manners.	

Paragraphs 13, 14, 15, and 16, by leave, withdrawn.

Motion made, and Question proposed, That the following words be added to proposed Report: "A large amount of evidence has been adduced with respect to strikes, and it would appear that they often are occasioned by disputes, concerning either directly or indirectly, the rate of wages to be paid by the employer to the employed; and it seems that in many instances, such differences would not have resulted in a strike, if there had not been a previous want of a good understanding and a friendly intercourse between the master and his workmen, and that the real origin of many a strike, apparently arising from a difference as to the rate of wages, may, on examination, be found in some previous dispute about the execution of a piece of work, the value of work done by the piece, or the amount of stoppage to be made, in accordance with some practice of the particular trade or shop, from the wages of the workman, or some similar matter, in which the operatives consider that their fellow-workman especially concerned in the case has been harshly dealt with by their master, or the law too rigorously enforced. A bad feeling thus springs up between the employer and those whom he employs. Mutual suspicion and estrangement ensues, and when differences arise as to the rate of wages, it becomes impossible to arrange them amicably. Evidence has been given to your Committee with respect to certain general strikes, embracing whole trades and districts, which have taken place of late, and your Committee has learnt, with regret, that on some of these occasions, both sides have been banded together in powerful hostile combinations, and that the employers have, in imitation of the Trades' Unions, and strikes of the workmen, united into bodies called 'Masters' Associations,' and retaliated on the operatives by shutting the works against them, and 'locking them out,' as it is called, even in cases in which there was no dispute between the employer so acting and the men in his own employ. It is evident that such proceedings are highly injurious, not merely to the masters and the workmen immediately concerned, but to the whole district in which the 'strike' or 'lock out' occurs, and also to the public interests in general, and that they tend directly to destroy those feelings of good-will and mutual interest, which it is of the utmost importance should exist between the employer of labour and those whom he employs, and to array masters and workmen in two opposing classes, connected with each other by no tie except the payment and receipt of wages, and ready to break out into hostility on every slight provocation" (Viscount *Goderich*). Question put. Committee divided:

Ayes, 4.	Noes, 6.
Viscount Goderich.	Mr. Lowe.
Mr. Cobbett.	Mr. Ingham.
Mr. Wise.	Viscount Duncan.
Mr. Gordon.	Mr. Booker Blakemore.
	Mr. Leveson Gower.
	Sir Henry Halford.

Paragraph 17, read:—Amendment proposed, to leave out from the first two words, "Your Committee," to the end of the paragraph, and insert the words, "from the evidence before them cannot but arrive at the conclusion, that the attention of the Legislature might with advantage be directed to the subject of this inquiry, and are of opinion that the formation of Courts of Conciliation in the country, more particularly in the large commercial and manufacturing and mining districts, would be beneficial. Your Committee would suggest that such a measure might be introduced as an amendment in the present Arbitration Act," instead thereof (Mr. *Wise*). Question put, "That the words proposed to be left out stand part of the paragraph." Committee divided:

Ayes, 5.	Noes, 6.
Mr. Lowe.	Mr. Ingham.
Viscount Goderich.	Mr. Cobbett.
Viscount Duncan.	Mr. Kinnaird.
Mr. Booker Blakemore.	Mr. Leveson Gower.
Mr. Gordon.	Mr. Wise.
	Sir Henry Halford.

Question, That the words "from the evidence before them cannot but arrive at the conclusion, that the attention of the Legislature might with advantage be directed to the subject of this inquiry, and are of opinion that the formation of Courts of Conciliation in the country, more particularly in the large commercial and manufacturing and mining districts, would be beneficial. Your Committee would suggest that such a measure might be introduced as an amendment in the present Arbitration Act," be there inserted, put, and agreed to.

Amendment proposed, at the end of the paragraph, to add the following words, "by a reconstruction of that Act, in the 10th and 13th sections; by which means both masters and operatives would be enabled each from their own class or calling to appoint referees, an equal number by each party, having power to elect a chairman, unconnected with either side, having a casting vote. Such a tribunal to be appointed for a certain period, and not for any particular controversy" (Mr. *Ingham*). Question put, "That those words be there added." Committee divided:

Ayes, 4.	Noes, 4.
Mr. Ingham.	Viscount Goderich.
Mr. Booker Blakemore.	Mr. Leveson Gower.
Mr. Kinnaird.	Mr. Wise.
Sir Henry Halford.	Mr. Gordon.

The Chairman declared himself with the Ayes.

Paragraph, as amended, read, and agreed to.

Motion made, and Question proposed, at the end of the Report, to add the words "In addition to the above suggestions, Your Committee are of opinion that it would be desirable, in order to give greater permanence and force to such Boards of Arbitration as those above alluded to as having been formed in the Potteries and other trades and districts, that authority should be given to the Secretary of State, on application being made to him, to license Boards of this description, and that immediately on such license being granted to any such Board, it should be invested with power to decide all questions relating to existing contracts which might be brought before it, and to enforce its decisions.

"Your Committee are, however, of opinion that it would be impossible to give these or any other tribunals any power whatever of forcibly regulating the rate of wages, although advantages might frequently arise, even in disputes on that subject, from the existence in the district of a Board of Arbitration chosen from among the masters and workmen in the trade in which such dispute might occur, as, in the opinion of Your Committee, both parties would frequently be willing in that case voluntarily to refer the question to the decision of such a Board" (Viscount *Goderich*). Question put. Committee divided:

Ayes, 7.	Noes, 1.
Mr. Kinnaird.	Mr. Booker Blakemore.
Sir Henry Halford.	
Mr. Wise.	
Viscount Goderich.	
Mr. Gordon.	
Mr. Leveson Gower.	
Mr. Ingham.	

Question, "That the proposed Report, as amended, be the Report of the Committee," put, and agreed to.

Ordered to report, together with Minutes of Evidence.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
William Philip Felkin	Esquire	Nottingham	3	3 – –	3 3 –	6 3 –
John Andrews	Mechanic	Durham	3	3 10 –	1 10 –	5 – –
Samuel Higginbotham	Solicitor	Manchester	3	4 4 –	6 6 –	10 10 –
Charles Macdonald	Silk Weaver	Manchester	3	3 – –	3 10 –	6 10 –
William Maitland	Manufacturer's Foreman.	Potteries	3	3 7 –	2 5 –	5 12 –
John Proudfoot	Manufacturer	Glasgow	3	8 – –	3 3 –	11 3 –
Hugh Lees	Manufacturer	Glasgow	3	8 – –	3 3 –	11 3 –
			£.	33 1 –	23 – –	56 1 –

LIST OF WITNESSES.

Jovis, 6° *die Martii*, 1856.

Mr. Thomas Winters - - - p. 1

Martis, 11° *die Martii*, 1856.

Mr. Thomas Winters - - - p. 36
Mr. Edward Humphries - - p. 46

Jovis, 13° *die Martii*, 1856.

Guildford Lindsay Molesworth, Esq. p. 59
Mr. Robert Essery - - - p. 79

Jovis, 3° *die Aprilis*, 1856.

William Felkin, Esq. - - - p. 84
Mr. John Andrews - - - p. 100

Martis, 8° *die Aprilis*, 1856.

William Edward Forster, Esq. - p. 107
Mr. Sidney Smith - - - p. 116
Mr. Thomas Murray Gladstone - p. 128

Martis, 15° *die Aprilis*, 1856.

Mr. William Newton - - - p. 132
Mr. John Howshan - - - p. 146
William Edward Forster, Esq. - p. 150
James Pillans Wilson, Esq. - - p. 151
Mr. George Ferdinand - - p. 153

Jovis, 17° *die Aprilis*, 1856.

Samuel Higginbotham, Esq. pp. 160, 177
Mr. Charles McDonald - - p. 167

Jovis, 24° *die Aprilis*, 1856.

Robert Aglionby Slaney, Esq. - p. 177
Mr. Thomas Joseph Dunning - p. 180
Mr. John Fedinando - - - p. 188

Martis, 29° *die Aprilis*, 1856.

John Hammill, Esq. - - - p. 195
Macgill Daintree Hollands, Esq. - p. 201
Mr. William Essery - - - p. 211

Martis, 6° *die Maii*, 1856.

Mr. William Maitland - - - p. 213
Mr. Joseph Avent - - - p. 223
Mr. Charles Rose - - - p. 227

Jovis, 8° *die Maii*, 1856.

Sir Henry Halford, Bart., M. P. - p. 227
Viscount Goderich, M. P. - - p. 233

Jovis, 22° *die Maii*, 1856.

Mr. John Chambers Proudfoot - p. 239
Mr. Hugh Lees - - - - p. 249

MINUTES OF EVIDENCE.

Jovis, 6° *die Martii*, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Viscount Goderich.
Sir Henry Halford.	Mr. Kinnaird.
Viscount Duncan.	Mr. Ingham.
Mr. Wise.	Mr. L. Gower.
Mr. Gordon.	Mr. Pollard Urquhart.
Mr. Pellatt.	Lord George Manners.
Mr. Booker Blakemore.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Mr. *Thomas Winters*, called in; and Examined.

Mr. *T. Winters.*

6 March 1856.

1. *Chairman.*] WILL you state to the Committee what situation you hold?—I am the Corresponding Secretary of the National Association of United Trades for the Protection of Industry.

2. Of how many individuals does this association consist?—Of from 5,000 to 6,000.

3. Whom do they represent?—They represent members in the wood trade, the iron trade, the salt trade, and the leather trade, and various other trades; I cannot call them all to mind.

4. Do they represent a variety of trades in the metropolis?—No, they are dispersed over different parts of the country.

5. How long has this association been established?—It was established on the 25th of March 1845.

6. What were the objects of the association when it was first formed?—With the permission of the Committee I will state them from the rules of the association. The first object of the society is "To secure, as far as possible, a general confederation or union of trades, to assure certain objects; first, to secure for each member, as far as practicable, a fair compensation for their industry, ingenuity, and skill; or, as it is more generally understood, 'a fair day's wage for a fair day's work.'" The second object is "To settle by arbitration and mediation all disputes arising between members, and between members and their employers." The next object is "To secure to each member the whole of his wages, without deductions, under any pretext, and to enforce all payments to be made in the current coin of the realm, and not otherwise." The next object is "To employ members at their respective trades whenever practicable, who are thrown out of employment in consequence of resisting reductions of wages, or other acts injurious to their interests." Another object is "To regulate as far as possible the hours of labour, with a view to equalise and diffuse employment among the working-classes, so that some shall not be overworked, while others may be starving for want of employment." It is further intended "To promote legislative reform in all laws that relate to the industrial, educational, sanitary and social progress of the people; to prevent abuses, and to procure the repeal of unequal laws between masters and workmen and capital and labour." "To promote the establishment of Local Boards of Trade or Courts of Conciliation and Arbitration, for the purpose of adjusting disputes between employer and employed, empowering them to make bye-laws, rules, and regulations, and to take cognizance of all questions affecting the interests of labour and trade." "To urge upon

Mr. *T. Winters.*

6 March 1856.

upon Parliament the expediency of appointing a Minister of Labour, whose duty it should be to direct and control all Commissions of Inquiry affecting the industrial and social condition of the people, and under whose authority the various enactments affecting the employer and employed should be carried into execution." "To secure properly lighted and ventilated workshops, and other sanitary arrrangements for the prevention of premature disease and death of the members, and other physical evils which attach to various kinds of labour." Those are the main objects of the society. I would also refer to two of the rules of the association, in addition to carrying out some of the objects of the society in cases of dispute between masters and workmen which are referred to the committee: Rule 66 states that "In all cases of dispute, either between members of the association or members and their employers, whether it be a question of wages, hours of labour, or otherwise, it shall be necessary for every branch or member thereof interested, to submit his or their case, with full particulars, to the Executive Committee, before taking any other steps whatever, in order that the rule relating to mediation and arbitration may be brought into practice." Rule 67 states that "Any member or members giving notice to leave his or their work under any circumstances, without the previous sanction of the Executive Committee, shall not be entitled to any pecuniary assistance from the General Fund."

7. Will you have the goodness to hand in to the Committee the copy of the rules of the association?—[*The same was handed in.*]

8. You state this to be your object: what course do you pursue to carry out this purpose, referring both to arbitration and to mediation?—In case of any dispute between the master and workman, no matter what the dispute may be, first of all, before they give any notice or anything of that sort to leave their employment, it is their duty to report the case to the committee; the committee upon that report proceed directly to the employers and state to the employers the objects of their visit, the nature of the complaint, if it is a complaint, or of the request on the part of the workmen, and express a hope that we shall be able to form some tribunal between us (if we cannot agree among ourselves) to settle this matter by arbitration. If the master himself at the time urges any thing in his own defence (if I may use the expression), which is considered as a good reason why the workman's claim should not be admitted, as a matter of course the committee adopt it, and they have done so in many instances; and I can probably state one hereafter which took place within the last two or three weeks.

9. Who appoint the committee?—The whole of the members; the committee are appointed once a year on Whit-Monday, or some day in Whit-week in each year; the committee are appointed by the members; every officer goes out of office once a year, and they are re-elected, or somebody else is placed in their stead.

10. Lord *J. Manners.*] Did not you just now state that the committee sometimes decide against the claims of workmen?—They have done so.

11. In those cases, does the workman then resume his work, without making any difficulty?—Yes; they have done so, because we are enabled to show them probably the necessity and the advantage of complying with the master's terms.

12. Viscount *Duncan.*] Of how many does the committee consist?—It consists of three.

13. Mr. *P. Urquhart.*] Three, out of an association of 5,000 or 6,000?—Yes; but I might state, that each local society of trades has a committee besides; the central committee consists of three, besides the president.

14. Viscount *Duncan.*] Does that committee sit in the metropolis?—Yes.

15. *Chairman.*] How far has your association been successful in carrying on the matter in question?—I hold in my hand our returns for 1848, which was a year of very great depression. There were numerous disputes in different parts of the country; in that year we had disputes in the following trades: the blanket-weavers, block-printers, blast-furnace men, bleachers, bricklayers, brush-makers, bone button-makers, crate-makers, carpet-weavers, cotton-spinners, chair-makers, coopers, curriers, frame-work knitters, gun-makers, hearth-rug makers, hatters, horse-nail-makers, iron-tin spoon-makers, joiners, locksmiths, lace-makers, miners, mule-spinners, nailors, paper-makers, paper-stainers, plumbers, power-loom weavers, piecers and pinners, shipwrights, silk-pickers, self-acting minders, shoemakers, salt-rock miners, salt-boilers, silk-winders, skinners,

skinners, tin-plate workers, type-founders, twist-bleachers, wool-combers, and other classes of hand-loom weavers; altogether, in that year, there were 43 different trades, and 98 cases brought before the committee; 74 of those cases were against the reduction of wages; 16 were caused by the masters demanding the men to leave the society; and eight were against violations of the truck-law.

16. To what do you attribute these great differences between the masters and operatives at this particular period?—The reason of the difference is stated. Here are 74 against reduction of wages, for which the masters probably could show good cause (as some did), why there should be a reduction in some of those trades; but that did not apply to others; out of this lot there were 46 of these cases settled by mediation alone, and 52 different bodies of men left their employment, some of whom were employed by the association, and others were supported by it.

17. Viscount *Duncan.*] Are disputes more frequent in some trades than in others?—Yes.

18. Mr. *P. Urquhart.*] 1848 was a very bad year, was not it?—Yes, it was the year of the French Revolution.

19. Generally speaking, in very bad years, are numbers of men thrown out of employment, or is there a reduction of wages?—At the time of the Revolution there were a great number thrown out of employment; but we have always tried to instil into the minds of manufacturers that it would be a privilege to the workmen to lessen the number of days in the week for which he is employed, and to give each one work as far as their arrangements would permit.

20. Do they continue to give employment?—To a very slight extent.

21. Viscount *Duncan.*] How are the communications with the manufacturers managed?—Generally, in the first place, before the person goes to them, we send a note to say that a deputation from the committee will wait upon them at a certain time; when they get there, they enter into the business at once, and in most cases we are received in a very friendly manner indeed; in some cases, they invite us to attend; because when we settle a case once to the satisfaction of the masters, many find it convenient that the same parties should come again, because these disputes are injurious to both parties if they are allowed to go on.

22. *Chairman.*] Has it ever happened that you have resorted to other parties in case of dispute who have interposed as mediators?—Yes, more than one case; I remember at the town of Bacup, in Lancashire, where the magistrates met, and the masters met several times, but unfortunately they did not come to any conclusion. The magistrates were in favour of taking a middle course between the two, which did not meet with the views of either party, and their mediation failed; but before leaving the other subject I intended to have stated, that in the year 1854 the cases settled by mediation were as thirteen to one.

23. Mr. *P. Urquhart.*] Was not that a very good year?—Yes; out of every 14 cases there were 13 settled by arbitration. For 1855, I have the total numbers; during the last year there were 35 cases altogether; out of those, there were 20 settled by arbitration.

24. *Chairman.*] Will you hand in to the Committee the paper from which you have been reading?—[*The Witness delivered in the same.*]

25. Who were the parties generally referred to?—Another important case was at Wolverhampton; there was a dispute there in the tin trade; there was great disparity in the prices that were being paid by various manufacturers, the largest manufacturers in the place saying, that unless other gentlemen in the trade were brought up to something near their level, they should be obliged to reduce their men from 10 to 15 per cent., and those gentlemen employ the largest number of workmen in the town; in fact, they employ more than all the rest of the trade put together. A conference was held between the masters and the workmen; they sat several days, and could come to no terms, and a strike was the result; after that, the masters appealed to the mayor of the town, to try to arrange the matter; they agreed to a meeting, and there were present on that occasion, George Robinson, Esquire, who was the mayor of the town; W. F. Fryer, Esquire; H. S. B. Whitgreave, Esquire; Aldermen J. Walker and Andrews; all of them magistrates. They delivered an opinion, after hearing the masters and workmen from each of the shops, and came to the opinion contained in this paper. I might state that this paper was corrected by the mayor himself, and therefore there can be no dispute as to its certainty. The magistrates left the court, and, after something like half-an-hour, came in and delivered the following opinion:—"It is a

Mr. *T. Winters.*

6 March 1856.

great satisfaction to me," said the mayor, "that on this occasion other magistrates, unconnected with manufacturers, have kindly given me their assistance; and being unanimous in the opinion we have formed, we have determined to give it, without binding any other party to it. We think such a course the most likely one to terminate these dissensions. Mr. Perry has addressed us at great length, and requires from us protection in the carrying on of his business. He represents that workmen willing to work for him are insulted and intimidated; and that he is subject to great annoyances, because he does not subscribe to a certain book of prices settled by the tin-plate workers of the town. Since the Combination Acts have been repealed, the working-classes have the fullest right to meet and discuss their interests, and to be advised by whoever they please; but they have no right to interfere with others by coercion or insult; and if there be any one duty more incumbent than another upon magistrates, it is that of restraining the power of physical force against individual liberty, and Mr. Perry may rest assured that he will not appeal in vain to the magistrates of Wolverhampton on that point. We will sit at midnight, if necessary, to enforce law and peace. With reference to the book of prices, we have nothing to do with it, unless assented to by all parties; nor is it by any meeting or printed book that the price of labour can ultimately be adjusted; it must depend upon the varying state of trade, and other circumstances too numerous to mention. The workmen may be emphatically assured, that it is not by their meeting and writing down any list of prices that they will in the end determine the price of labour. In the absence of exact terms, the magistrates can know nothing but the market price of work for the time being. And this brings us to the question, whether Mr. Perry is now bound to pay that price? It seems that all the workmen usually employed by him have left his manufactory, except those who are under written contracts. By those contracts, judging from the one before us, he engages to pay each workman such wages as he pays other workmen in his manufactory; but if they are all hired, to what standard are we to refer? Others can remain or not, as they like, and a manufacturer can employ them or not, as he can afford; and it is one of the objections to long agreements for service, that if wages rise, and those hired are bound to work for less than their fellow labourers, discontent is sure to arise. The magistrates, therefore, do always regret to see arrangements for long periods; and they have an objection to commit upon them, unless absolutely necessary; but Mr. Perry must not conclude that this implies any objection to give him every protection in our power. The question, however, now resolves itself into this: what rate of wages is Mr. Perry bound to give under existing circumstances? To whom are we to refer for the market price of the day? To Mr. Perry's own list, and the list of three other houses acting avowedly in concert with him, or to the other houses of the town? In our opinion, we should be obliged to refer to the latter as the standard of value, for this amongst other reasons, that if a workman were not bound by contract, he might go to those houses and obtain their wages. This, we think, would be the rule adopted in courts of law, and we hope this expression of our opinion will terminate these unfortunate differences." That is the whole of the opinion of the magistrates present on this occasion; and Dr. Mannix, one of the county magistrates, who was not present, gave his cordial consent to it, on reading the mayor's statement.

26. Mr. *B. Blakemore.*] Did that decision arise from the parties being summoned?—No; Mr. Perry requested them to meet and agree to certain terms; that certain men of his own should attend, and certain workmen of Messrs Shoolbred, the large manufacturers, and of Mr. Walton.

27. Then the magistrates attended, not magisterially, but as arbitrators?—Just so.

28. *Chairman.*] What was the result both upon the workmen and upon the masters of this opinion of the mayor's?—The workmen had all expressed their intention to be satisfied with the magistrate's decision; supposing they would decide as to how long they ought to work, and upon what terms they were to work, we were quite willing to accept it; but Mr. Perry instead of that said, "No, I will not submit to that opinion," and he immediately wrote off to a gentleman, a Mr. Willes (I think he is now a judge), to consult him on the state of the law; I have that opinion here—[*producing the same*]—Mr. Robinson's opinion is inserted in this paper; and then there is Mr. Willes' opinion, with the case submitted to him upon the right of the magistrates, in case of application being

being made to them to enforce the list of prices, as respects the contract men. Mr. Willes' opinion is against the mayor's opinion. If the Committee desire it, I will read his opinion upon the point.

29. This was a sort of equitable arrangement, it was not a legal opinion of the mayor's?—Just so.

30. Viscount *Duncan.*] Was that society at Wolverhampton connected in any way with the society of which you are the secretary?—Yes.

31. Will you explain to the Committee in what way you were connected with that society?—All the tin-plate workers of Wolverhampton were members of our society, and they were bound by the rules of the society to make applications for advice; and there having been disagreement among them for two or three years before, to get an assimilation of prices, we recommended that a conference of the masters and men should be held; Mr. Perry drew up the preliminaries of the conference, and after they had gone through a few articles, out of 2,000 or 3,000, we broke up in consequence of not agreeing. Mr. Perry agreed to the prices of some of the articles, to those which are very seldom if ever made; but upon the common run of articles made in his shop, he refused to make any alteration, and that was the very case in dispute, and therefore the conferences broke up, and a strike was the result.

32. Mr. *Wise.*] Did not this arrangement approach very nearly to the terms of what is commonly called the Arbitration Act, whereby both parties consent to submit to the proposition of the justice of the peace before he is called upon to nominate arbitrators to consider the case?—Yes.

33. It was a preliminary proceeding, in which any parties can take part?—Just so.

34. Is not the Arbitration Act the 5th of George the 4th, chapter 96?—Yes. The case submitted to Mr. Willes was as follows: "Mr. Edward Perry is an extensive manufacturer of japan and tin goods at Wolverhampton, and employs a great many workmen, most of whom are hired by written contracts, similar to the one sent herewith. Mr. Perry has not altered the scale of wages which he has been giving his men for the last eight or nine years, so that when a man enters his service he can immediately ascertain the uniform price paid to other workmen in his employment, either by reference to them or by Mr. Perry's pay-book; indeed, there is no difficulty whatever on that score. The workmen have lately been instigated by delegates from the trades union to try to coerce Mr. Perry to alter his prices, which are alleged to be lower than two others who have submitted to the men's list of prices. The workmen of Mr. Perry were well satisfied with Mr. Perry's prices, which are in some respects higher than those contended for, but most of them have been seduced or frightened from his service, and are being supported by the trades unionists. The magistrates of the borough have, in some instances, committed men on these contracts for neglect of service. The mayor of the borough entertains doubts as to the agreement for price amounting to more than a mere *quantum meruit*, and he proposes to ascertain the *quantum meruit* by reference to the two highest prices, and not the four lowest. We presume an average of the whole would be more likely to be the market price under the present circumstances, which average the men have refused, as it would give them a lower scale of prices than Mr. Perry's. We submit the written agreement does not bear the mayor's construction, and that the price is either to be ascertained by reference to what Mr. Perry's other workmen were receiving for similar articles, or it is void for uncertainty. But it may be said that the present tense 'now pays' must refer to the very day, and probably on that day he might pay nothing, as he reckons once a week; but we say the natural construction is the price he was in the habit of paying within a reasonable period up to that date, taking the notorious fact into account, of his not having varied his prices for eight or nine years. The variety of articles in the trade is almost endless, and it might therefore happen that the workman would be put to a novel job, and it would be impossible of course to refer to ascertained prices in the case of new articles; in such a case, probably, the mayor's standard of *quantum meruit* would be correct, not for his reasons, but because the workmen might be considered as not then working under the agreement. You will please read the agreement, with the mayor's decision, published by the workmen, and advise Mr. Perry whether the mayor's interpretation of the contract be the correct one? or whether the agreement can be enforced by evidence of what other workmen were then or about that time receiving for similar articles? and whether the *quantum meruit* must

Mr. *T. Winters*,

6 March 1856.

prevail only where there is no precedent or other standard, in consequence of the novelty of the articles?" Then the opinion of counsel is as follows: "I am of opinion that the mayor's interpretation of the contract is not the correct one; indeed I think the mayor cannot possibly have intended to give it as a legal opinion upon the construction of a contract to pay what Mr. Perry at the time of the contract paid; that is, was in the habit of paying other workmen; that, not what he paid, but what other persons paid, is (in the very teeth of the contract) the amount payable between Mr. Perry and his workmen, bound by such contract; I think the mayor could only have meant what he is reported to have said as an amicable recommendation; it requires nothing but a plain grammatical construction of the words of the agreement, in which there is nothing ambiguous, inconvenient or absurd, to call for any other sort of construction, to apply it to those wages which the other workmen in the employ of Mr. Perry at this time were entitled to receive, which must be ascertained by what they had received; the plain object of the contract is, that the workmen coming into Mr. Perry's service should receive what Mr. Perry had been paying other workmen; and evidence of what other workmen were then or about that time receiving for similar articles, is admissible to settle the amount to which a workman entering into such a contract is entitled; where the work is novel, there the agreement does not apply as to price, and the value of the work done on such novel articles is to be paid; in other cases I think the prices actually paid at the time by Mr. Perry to other workmen previously in his employ, and who had been paid or engaged to work at a certain price, in such cases form the proper standard. (Signed) *Jas. S. Willes.*"

35. Will you hand that in to the Committee?—[*The same was handed in.*]

36. What was the result of these proceedings?—The next step taken by Mr. Perry was to commence a prosecution against the parties who had taken an interest in the matter; and the workmen all got work I believe at other places, at the prices which they required Mr. Perry to pay.

37. What did Mr. Perry do?—Mr. Perry, as a matter of course, fared without. I might state that he had several agreements which are not mentioned here; he had three different sorts of agreement, one that the workmen should receive a certain price for their work; another that they should receive the same prices as were paid by certain manufacturers in the town; and another that they should be paid according to the prices he was paying other workmen in his manufactory; all of those agreements were made for three years, with six months' notice, but he had the liberty at any time to get rid of the workmen at one month's notice. It was considered by the workmen themselves that that was unfair, and counsel's opinion was taken upon this point, which was also against the workmen.

38. Mr. *Ingham.*] Are you aware whether the statement of facts upon which Mr. Willes' opinion was taken had been submitted at all to the workmen, or to any one on their behalf?—No, it had not.

39. According to your impression, is it a correct allegation that the workmen were well satisfied with the amount of wages paid?—It is not a correct assertion.

40. Do I understand you to say, that in consequence of not being satisfied, a great number had left his work?—Yes.

41. It was with the view of inviting them back to their work that the interposition of the mayor was requested?—Yes.

42. And he gave the recommendation which you have read?—Yes.

43. Lord *J. Manners.*] You say that Mr. Perry afterwards took steps to prosecute those who showed an interest in this case; do you mean that he took proceedings against the workmen who had left his employment, or against those who had instigated them to do so?—Against those who had supported them.

44. Those in London do you mean?—Both in Wolverhampton and London.

45. What was the result?—The result was, that they were tried upon two indictments for almost everything that can be imagined under the law relating to workmen; upon the first indictment they were found guilty by the jury of inducing the workmen to leave their employment; upon the second indictment of all the counts; the case afterwards came before the Court of Queen's Bench, and some points were reversed there; it was considered by the jury at the trial that a person who merely paid the man after he had left his work, the man being free to leave at any moment, he having finished his work, was an offence indictable at law; that his merely paying the man 12 *s.* a week was an offence in the eyes of the law; that was the act that was committed.

46. Those

46. Those who had instigated in any way Mr. Perry's workmen to leave his employment were found guilty of the offence?—The conviction was not for that; it was for assisting them afterwards; the legal plea was for inciting them away; but then the overt act was the paying them after they were away.

47. Mr. *B. Blakemore.*] Was not the value received for this payment of money, the quitting of Mr. Perry's employment?—Yes; which it appears they had a perfect right at any time to do.

48. Sir *H. Halford.*] Were not you, yourself, one of the parties that were proceeded against?—Yes.

49. What was the result in your case?—I was found guilty of the whole of the counts submitted; but when the case came before the Queen's Bench, the court said, that unless they entered a *nolle prosequi* upon the case, as against myself and the local secretary, they should give a new trial, and the result was a total abandonment of the case against myself.

50. You were completely exculpated?—Just so; I look upon it in that light.

51. Mr. *P. Urquhart.*] Was there any count for exciting the men to a breach of contract in the prosecution issued against you?—Yes; they had a contract against some of them for three years, but those were not the men who had left; they were men who were perfectly free to leave at any time. The plea was, that they left for the express purpose of making him alter his mode of conducting his business, and that therefore our conduct fell under the term of "molestation and obstruction."

52. Those who so left were not among those who had formed a contract for three years?—No.

53. Then inciting a breach of contract formed no part of the count against you and the others?—There were counts to that effect, but the evidence did not support them.

54. Mr. *B. Blakemore.*] In that contract for three years, was there no clause to the effect that it should be determinable upon any notice, either by the master or the workmen?—I will take one case of a gentleman that I know; he was a tradesman in the town of Wolverhampton, who engaged with this same Mr. Perry for three years certain, eight years before that time. He had been working here eight years, upon this agreement for three; he did not give any six months' notice, and he was away I think for about a day (it was not more than a day), attending some case on which, I believe, he was summoned to appear before the magistrate as a witness, and for that he was imprisoned for three weeks under that very agreement for three years, although he had been there eight years, simply because he had omitted to give six months' notice in writing.

55. Was there any provision in that agreement for cases of sickness and inability to work on the part of the workman?—Nothing of the sort.

56. Was there no protection to the master in case of his being unable to carry on his works continuously; was it an absolute binding agreement between the master and the workmen for three years' uninterrupted employment at stated specified wages?—Yes.

57. Mr. *P. Urquhart.*] Were they daily wages, or wages by the piece?—Wages by the piece; I might state that afterwards the magistrates admonished him several times; and that in consequence of the severe remarks made by the magistrates on various occasions (Mr. Thornicroft, who was a large employer, was one of them), he at last took out the six months and made it one, but even that was done without consulting the workmen; I think the workmen should have been consulted.

58. Mr. *Wise.*] You have just alluded to the severe remarks of the magistrates; do you think that the fact that a great number of the magistrates of the manufacturing districts are manufacturers, tends to prevent the happy settlement of disputes that might otherwise take place?—I think there is a question here; I thought of mentioning at a future stage of the inquiry about the feeling entertained about the manufacturing magistrates.

59. *Chairman.*] Have you any case to state to the Committee in reference to any dispute between masters and workmen in which your association took part?—I will mention one case that bears strictly, I think, upon this inquiry; it was a place called Holme, near Todmorden, in Yorkshire; the people of Mr. Wilson and another firm, I think called Ellewell, bobbin-turners, made an agreement, something like two years ago, without consulting our committee at all,

Mr. *T. Winters.*

6 March 1856.

all, that unless the masters reduced the hours of work they would leave their employment on a certain day. They wrote to us, and we said, "If that is the course you are going to take, it is contrary to our rules, and before we interfere or intercede with the masters at all, you must withdraw the notice;" the men did withdraw the notice, and I was sent down at once. We saw the master, and after an hour's conversation we came to terms satisfactory to both master and men. In consequence of that settlement he said, "Well, now I must have some rules in the factory to guide the workmen's conduct;" I said, "Very well. you have a perfect right to do that; to govern your own establishment, nobody can interfere with that." They drew up some rules that were considered obnoxious to the men, and the masters sent a letter to the committee, requesting some one to come down to try to make a settlement upon that case, as we had settled the other in an amicable way; we did settle it in a quarter of an hour. Probably if that had not been the case, the whole of those men, amounting to 300 or 400, would have left the establishment.

60. In that case the dispute was not submitted at all to the magistrates?—No, we settled it in the amicable manner in which I have described.

61. Lord *J. Manners.*] Were those men under the operation of the Factory Act?—No, they were not; although the factory worked by steam, those men were not under the operation of that Act. One of our objects was to bring them under that Act, and we brought them under the Act by talking the matter over between the masters and ourselves; I might state the proposition that we made to the masters in that case.

62. Viscount *Goderich.*] By the expression "bringing them under that Act," you mean, inducing them voluntarily to agree to the regulations in the Act?—Yes; the master said, "I do not think they will do the same amount of work, and I think it would be a great injury to me. If they do not do the same amount of work as before, of course I cannot agree to it." I said, "We will not ask you to come to terms now, but after three weeks or a month is spent under the present system, let each party take notice of the amount of work done, and then, if it succeeds, let us try it for three months, and see whether it answers or not; if it does not answer, you can but return to the old system." They agreed to these terms, and the masters found at the end of three months, that, instead of having less work done, they had more done, and they were perfectly satisfied.

63. Both parties were satisfied?—Both parties were satisfied; since that, in the week before Christmas another case occurred, where the masters had to offer the workmen a less price for such an article, and the workmen stated that it was as much as 3 *s.* or 4 *s.* per week out of their pockets. The committee said, "Well, we will hear what the masters have to say."

64. Viscount *Duncan.*] To what committee do you refer?—When I speak of the committee, I mean the committee in London. The master offered us an explanation; he said, that he was bound almost to accept this order, in order to get another one, and that if he had not done it as a matter of course, the men would have been idle. I said, "That is a reasonable objection; when do you think you could give the old price?" he said, "About March." I said, "We will consider about that to-day, if you say you will give it at that time;" he said, "I will." If we had insisted upon the former price, it could not have been done, and the result would have been a strike, and the men would have been thrown out of work. This was settled by mediation; that is the general mode of operation.

65. *Chairman.*] That was satisfactory to both parties?—Yes.

66. Lord *J. Manners.*] You stated just now that you agreed that these men should be brought under the operation of the Factory Act. What trade was this?—The bobbin-turners' trade.

67. Are they included in the operation of the Factory Act by law, or not?—No, they are not.

68. How could the machinery of the Factory Act be applied to them, supposing it were optional?—By a mutual agreement.

69. They could not call upon the inspectors of the factory districts to interfere?—No; but the regulation of the hours of labour might be agreed to by mutual compact. There was another case which I consider of very great importance, because it had to do with something like 2,000 or 3,000 men; it was in the year 1853, in the salt trade. The whole of the salt trade of Cheshire had a dispute, in which the captains and others connected with the carriage of salt, and also those engaged in making the salt were concerned, but what I was particularly concerned

concerned in, was in reference to the carriage of salt. There was something like a thousand persons engaged in that department alone. They were desirous of having so much more per ton than they had been in the habit of receiving. We said, "very good; but first of all, we think it best to consult the masters upon it, and hear their statement, as to whether it can be done or not; or what objections they may have to propose to it, and that it should be mutually settled between the two." After two or three months had passed, and arbitrations and meetings had been going on between the two parties, on the 9th of February 1853, there was a meeting of the masters held; Mr. Worthington, a gentleman, known, I believe, throughout Cheshire and a great part of the north of England, as a gentleman of high standing, was in the chair; there were nearly all the parties present; there were 22 large employers there. The chief object of the rise was for 3*d.* per ton; and the masters, after hearing the reasons of both parties, said, "We do not think we can give the whole of that now, but we will offer you 2*d.* out of the 3*d.* After a variety of conferences of all the masters and the deputations of the workmen, the workmen were advised to take it, and they did take it; and so the matter was settled. There was no stoppage of work at all; there have been a very large number of cases settled in the same way in the same district, since that period.

70. *Chairman.*] If that conference had not taken place, what would have been the result?—The result would have been a stoppage of the whole of the flats, and all the salt works in the neighbourhood; and as a matter of course, the detention of the merchant vessels lying at Liverpool; and we were more particularly desirous of this arrangement, because, in the end, it is an injury to the workmen themselves, as well as to the masters, to have a strike.

71. Lord *Duncan.*] You consider that a strike is an injury to the workmen themselves, as well as to the masters?—Yes; I consider it a necessary evil.

72. *Chairman.*] In the cases you have laid before the Committee, the business has been satisfactorily arranged by arbitration?—Yes.

73. Is it your opinion, that, generally speaking, the lower classes respect the decisions in these arbitrations?—Yes; I do not know one case in which the lower classes have not respected the decisions given, whether they were for them or against them, or whether they took a middle course. The general plan, in these cases, is to adopt a middle course.

74. Sir *H. Halford.*] When you speak of cases settled by arbitration, are the Committee to understand that you speak of arbitration according to the provisions of the law?—No; I speak of arbitration amongst the workmen themselves; they never resort to the law.

75. You refer to such arbitration as they devise themselves?—Just so.

76. Mr. *Wise.*] Have the workmen much faith in the present law?—I do not think they have any faith at all in it.

77. Mr. *L. Gower.*] All these cases that have been referred to are disputes between members of your association and their masters?—Yes.

78. Do you ever arbitrate in cases of workmen who are not members of your association?—Yes; we have done so. I remember one at the present moment in Birmingham, among the wire-workers of that place, who were out on strike. The system there is for the masters to take a per-centage of their earnings at the end of the week, varying from 10 up to 50 per cent.; that is to say, they put down their wages at 1*l.*, and give them only 16*s.* They were striking against that, and they had been out on strike for some time, when a member of our committee, Mr. Green, was in the district, and they applied to him. He said: "You are no members of ours, but however, we will try what we can do." He went to the masters, and succeeded in settling the whole thing in a day. Another case occurred last year amongst the locksmiths of Staffordshire They were no members of ours, but they sent a letter to us for our advice as to what we should recommend them to do. We sent a member of our association to the masters, and got a meeting at the Crown Hotel at Wolverhampton, and settled the matter there.

79. Mr. *Ingham.*] At the meeting of the people concerned in the salt trade, which you mentioned just now when Mr. Worthington was in the chair, who appeared on behalf of the workmen?—A member of our committee and a deputation from the men themselves. The men themselves stated their own case, but previous to that this had been considered by the general committee.

Mr. *T. Winters.*

6 March 1856.

80. Do you know the number of men that attended that meeting on behalf of the workmen?—I have their names; I think there were six of them.

81. Was there actually any discussion between the workmen and the manufacturers?—Yes; and then the manufacturers made a proposition which was sent back to the workmen, and they immediately accepted it. This which I hold in my hand is the masters' circular; it is not the working men's circular—[*producing a paper*].

82. That is a report of the transaction?—Yes; issued by the masters themselves.

83. Viscount *Goderich.*] You stated that the men have no faith whatever in the Arbitration Act; will you state to the Committee why that is so?—The reason of that, I think, is because it drives them, as it were, in every case to go to a justice of the peace, because the justice of the peace has to appoint their arbitrator; the immediate result of which would probably be a dismissal from their employment; and in addition to that, no man, however pure his intentions may be, likes to be brought before a magistrate; there is some disgrace about it.

84. Is their want of faith connected with the circumstance, that a justice of the peace may be a manufacturer himself?—That would apply in some cases, but generally there is an objection in going before a justice of the peace.

85. Mr. *Wise.*] The justice of the peace has to appoint the arbitrators?—He has to sanction their appointment.

86. Mr. *P. Urquhart.*] Do not these disputes arise sometimes from causes, of which the law cannot take any cognizance?—Yes; there are hundreds of cases which are determined without reference to the law.

87. Mr. *B. Blakemore.*] You mean to say, that there is a feeling of disgrace in going before the magistrates, which they do not like?—Yes.

88. With reference to the organization of your association, did I understand you to say that it consisted of 5,000 or 6,000 members?—Yes.

89. Are you the corresponding secretary of the association?—Yes.

90. Are there other corresponding secretaries or corresponding members in different districts of the country?—We do not interfere at all with the local rules and regulations of any society; they all have their own officers and their own secretaries, and they correspond with us.

91. Are there ramifications of this society in the different manufacturing districts of the kingdom?—Yes.

92. Have you regular correspondence with them?—Yes.

93. Is your association supported by subscriptions?—Each member fixes his own contribution. If a man earns 10*s.* a week, or 1*l.* or 30*s.*, he can say that he earns 10*s.* a week, and then he will pay 1*d.* a week, for which he receives a certain sum in case of strike.

94. It is a graduated subscription among members of the association?—Just so.

95. Is the fund that arises out of subscriptions applied merely to the purposes of the organization of the association, or is there a reserved fund held out for persons out of employment?—It is an assurance society, and when a man pays 1*d.* a week, we are bound to give him 6*s.* a week in case of a strike, and 9*s.* if he pays 1½*d.*

96. You have a separate account for each man?—Yes.

97. And he has liberty to draw from the fund in the proportion in which he contributes?—Yes; and we cannot legally request from any member the amount of his payments.

98. Has the association any legal officer, or legal servant?—No.

99. You have stated your third object to be the securing of the payment of wages fully, without admitting of any deduction. Supposing a man earns 1*l.* per week, and his employer provides him with a house, or with firing, or with medical attendance; do you admit such deductions as these?—I think that houses, and medicine, and medical attendance, are admitted by the statute; but what I mean is this; if there is a deduction for candles, or bread, or bacon, or anything of that sort, we do not permit it.

100. Has your association an organisation capable of preventing that?—Yes; we had a case which I might mention to the Committee at Bilston; there was there a man, who had been in the habit of forcing his workmen to have a quart of ale on Saturday

Saturday night, whether they were willing or not, and if they were not willing, he struck the 6*d.* off their wages just the same. He was also in the habit, in the middle of the week, of going to them and saying "Well, do you want to borrow any money." "No," they said, they did not; but he said "You must have some," and he forced them to borrow 5*s.* in money, and to lay it out at another shop; when we heard of this, we sent word to them to keep on with it a little longer, until we got a legal opinion upon it; we took the legal opinion of a gentleman at Duignan, and the result was that he advised, that six informations should be taken out against the same party; six informations were taken out, and they came before Mr. Leigh, the stipendiary magistrate of Wolverhampton; he adjudged the manufacturer to pay 10*l.* fine in each of the three first cases; and the other three cases were allowed to drop on condition of his paying the expenses; altogether it cost him, I think, about 60*l.*, and that put an end to that practice.

101. I think you stated that one object of your combination was to effect a uniformity in the payment of wages. Do you admit the principle, that if an employer obtained a high value for his produce, the wages should rise in proportion to that, and that where the price of the commodity falls, the wages should fall in proportion?—There has been a proposition of that sort made to the Committee for the wages to rise and fall according to the price of iron. I have a paper that I will refer to afterwards, which contains a proposition that when iron was at a certain price, then wages should be at a certain amount, and that they should rise and fall as the price of iron rose and fell.

102. Have you ever had that scheme carried into operation?—No; there was an objection raised to it.

103. Was that objection raised on the part of the men, or of the masters?—On the part of the masters.

104. They objected to give you such information as should guide you, as to what the rise in wages should be?—Yes; and the thing was not pressed.

105. Do you approve the principle that wages should share part of the profits, and should also share part of the losses?—No; we do not interfere with the masters' profit at all.

106. In these cases of arbitration, are the masters required to meet the allegations of the workmen, by the production of their books?—No, not in the slightest; we look upon the masters in the same way as upon the men. We consider that neither party would state a falsehood, if they knew it to be so; we are quite satisfied with the master's statement, without reference to his books; although some of them have gone so far as to produce them themselves; we have never asked for them.

107. Upon which side have you found the greatest objection to the settlement of these disputes by arbitration, on the part of the employers, or of the operatives?—Upon the part of the employers.

108. *Chairman.*] May the Committee infer from your evidence, that the workmen in connexion with your society are willing to submit their disputes with the masters to your arbitration?—Yes; they are bound to do so by our rules.

109. Does your association consist exclusively of workmen?—Yes.

110. Do you think that they would be equally willing to submit their disputes with the masters to an arbitration court, formed partly of workmen, and partly of masters?—There is a diversity of opinion about that; there are some that would, and there are some probably that would not.

111. You will admit that it does not follow, that because they are willing to submit their disputes to the arbitration of a person chosen from themselves, they would be willing to submit them to what might be called an impartial tribunal?—No, it does not; but I can produce cases where they have agreed upon that point. At the first establishment of our society, there were at least fifty delegates there, representing large masses of people in different parts of the country, but particularly in the textile trades, and shoemakers, tailors, and carpenters, and some others, who were in favour of that system; that is 11 years ago. So far as the frame-work knitters of England are concerned, I know from personal experience, that they are unanimously in favour of that system, and there are from 40,000 to 44,000 of them.

112. Viscount *Duncan.*] By whom would you propose that these delegates should be chosen?—Partly by the masters and partly by the men.

113. Viscount *Goderich.*] Did not you say in answer to a question put by the

Mr. *T. Winters.*

6 March 1856.

Chairman just now, that you never knew the men refuse to submit a case to arbitration?—I was speaking of our own members.

114. That is to say, to your arbitration?—Just so.

115. *Chairman.*] Is there not, sometimes, among the operatives, an objection to going before the magistrates, which arises partly from their having to go before the court, and partly from the fact, that there is an opinion amongst the operatives that the magistrates, sometimes being connected with the masters, may not be the fit persons to refer that dispute to?—That question applies to all the various Acts (and there are something like 50 of them) between the masters and the men, whether it be with reference to contracts, or whether it be the law which regulates workmen's societies, or in fact, any other law of that kind.

116. They do not like reference to the magistrates?—No, they do not; they think that all cases between masters and workmen would be best decided by the masters and workmen themselves.

117. Viscount *Duncan.*] Are you yourself well acquainted with the provisions of the law at present in force, with respect to the arbitration of disputes between masters and workmen?—Yes.

118. Ae they not contained in the Statute of the 5 Geo. 4, cc. 95 and 96, passed in the year 1834?—This is the Act which has just been referred to, but there was another Act passed some time afterwards, increasing the period of complaint from three days to fourteen; I may state that there has been another Act passed since that, respecting arbitration, and that the Ticket Act of the silk weavers has also been passed.

119. That refers to the silk trade alone?—Yes; but it is a great improvement upon the present Act, nevertheless, as far as it goes.

120. Mr. *Wise.*] Is it not the case that many of the causes of dispute between masters and workmen, have no relation to the duty which the magistrate has to discharge; such for example as questions concerning stoppages and reductions?—Yes.

121. Stoppages and reductions are fruitful sources of strikes and disputes, are they not?—Yes.

122. That would not be a question which a justice of the peace could decide at all?—Under this Act, if both parties agree to come before him, and submit to his decision, they have a power to do so.

123. Viscount *Goderich.*] This Act of 5 Geo. 4, cc. 95 and 96, does not establish any permanent alteration in the law, but simply provides for the appointment of arbitrators in each particular case?—Yes.

124. Mr. *P. Urquhart.*] Are the workmen forced into your association at all?—No.

125. Although there is no actual force exerted upon them, does not the public opinion of their class force them to go into it?—No; every man is perfectly at liberty to please himself.

126. Would he not be regarded with disfavour by the workmen if he did not join your association?—He would not be regarded with the same favour as if he did.

127. The result is, that almost all do join?—Yes.

128. Do you divide the men into sub-divisions, according to the trades they belong to?—No; our mode is to take each trade by itself.

129. And you register a man under a certain trade?—Yes.

130. Are any of these men possessed of a certain small capital of their own, in the shape of tools, and so forth?—Yes.

131. Supposing they found a reduction of wages in one trade, in consequence of its being overstocked, do you leave it to a man to go into another trade?—If his calling will admit of it; it would be no new case.

132. If his calling would admit of it, you would give him information as to the trades that are understocked?—Yes; we keep up a correspondence with the trades in different districts; and if a workman could not get work, we would pay his fare to go to another place.

133. Do you find that men are generally willing to go to another district?—Generally men are wedded to a particular locality, and there is some difficulty in getting them to leave, with the exception of particular trades.

134. Have they, most of them, the facility of changing their employments when they find it advantageous for them to do so, or do they almost always stick to the trade to which they were originally educated?—They generally stick

stick by their own trade; but there is no restriction at all in our rules about that.

135. Then you think that, having once learnt a trade, a man seldom succeeds in learning another?—I think not.

136. Mr. *Wise.*] You have alluded to some occurrences in Staffordshire; have not you heard that the workmen in Staffordshire are anxious to have some tribunal of ready access that should secure the respect of both masters and workmen?—Yes, both in Wolverhampton and in Bilston, and in all the large works about there, and they have all expressed that desire more than once; but when I stated that I thought there were a great many that would not unite there, it should be borne in mind that there are other societies besides ours, and I should not like to be guided by anything that they said. But the majority of the workmen, I believe, and a very large majority, are in favour of boards of arbitration composed of masters and workmen.

137. That majority would include the more thoughtful portion of the working classes?—Yes.

138. *Chairman.*] What is, generally speaking, the object of the operatives in forming these associations?—The objects of different societies vary very much; some are for the protection of their wages, others have connected with them the regulation of the hours of work, others have sick benefits, and funeral benefits, and benefits when out of work. In some cases, they insure them against the loss of tools, and loss by fire. In the shoemaking trade, they have a provision against any loss to the masters from a person going away with his material, the shoes being given out to the men to work in their own houses. There is no other guarantee between the masters and the workmen. It may be that the workman goes away in debt, and leaves his master, or takes his leather, or whatever it is, that is given to him, and this society makes that loss up to the masters, and also in some cases prosecutes the men.

139. What are the main objects of the societies?—The main objects are what I have stated, the protection of wages, and the provision for sickness and death.

140. Viscount *Duncan.*] What do you mean by the expression, "protection of wages"?—Supposing a master offers to reduce a man's wages, if the members of the society think it would be injurious to the whole of their interests, they support the man while he is out of work; they support him in refusing to accept the prices which might be considered injurious to his interest, or to the whole of their interests.

141. *Chairman.*] Have some of these associations, established among themselves Boards of Conciliation?—I had several sets of rules in my hand the other day, and I found about eight out of ten had a clause in their rules compelling them to submit any case to arbitration. By arbitration they meant that when a case goes before their local committee, the local committee should appoint a deputation to wait upon the masters to see if they can agree; and they have agreed in a great number of cases.

142. Viscount *Duncan.*] In case they do not agree, what is done then?—If they cannot agree, they generally resort to a cessation of work, and the society's funds are applied as any other insurance society's funds would be, to the support of their members during that time.

143. Mr. *L. Gower.*] In those districts which you have referred to in Wolverhampton, is it the arbitration of the local committee, or of the general committee, which is resorted to?—It is the combined arbitration of both.

144. Is the matter first referred to the local committee?—Suppose a man is offered a reduction of wages, it goes to the local committee, and they try to settle it, and in some cases they do settle it themselves. In other cases, if it is a difficult case, or if there is likely to be any difficulty arising out of it, they make application to the general committee, who are independent as it were of both parties.

145. Mr. *Gordon.*] You said, that the workmen who were members of your association were bound to take the advice of the committee; is that the local committee, or the general committee?—It is the local committee and the general committee.

146. If they do not agree to the opinion of the local committee, might they appeal to the general committee?—Yes; all cases of dispute are superintended by the general committee, and unless they are invited by the workmen, and every means have been tried to arbitrate between them, and unless they give the

Mr. *T. Winters.*

6 March 1856.

general committee the chance of doing what they can, they would get no assistance from the association, supposing they left off work.

147. What number of local committees have you in connexion with your society?—Every local society has a local committee.

148. *Chairman.*] Have the operatives amongst themselves even suggested any particular mode of arbitration, which would satisfy them?—Yes.

149. Will you state what has been suggested?—I have here a paper signed, "Henry Knowles, from Darlestone." That is a very large iron district, and it proposes that "when the pig-iron (second best) is sold for 2*l.* 10*s.* per ton, the thin coal and stone miners are to receive 2*s.* 6*d.* per day, but not to be reduced below that sum; and for every 5*s.* advance in the price of pig-iron, the miners are to receive 3*d.* per day upon their wages; and where iron is reduced in price wages were to be reduced accordingly. And the miners of thick coal are to receive 3*s.* 6*d.* per day when the iron is sold for 10*s.* per ton, and not to be reduced below that amount, and to rise and fall as stated above." That was the men's proposition to the masters in Staffordshire.

150. Mr. *B. Blakemore.*] Does not it frequently happen that the melters of the iron in Staffordshire are not the proprietors of the mines in which it is found?—Yes; that is so.

151. Still you would regulate the price of the raw material, the iron and coal, by the price of the article produced; the pig iron?—Yes; that is their proposition.

152. *Chairman.*] That is not quite an answer to my question; I asked you whether the different societies and the workmen had ever found out any particular council of arbitration which would satisfy them, and do justice between the parties?—In answering that question, I would say that our association are in favour of local Boards of trade. The frame-work knitters of England, the broad-silk weavers, the ribbon weavers, the linsey weavers, the London trades, and the Manchester trades (when all the trades are met by delegation in one room), the tailors, the engineers, the block printers, the calico printers, the carpenters, the hydraulic packers, the fustian cutters, the miners, the makers-up, the shoemakers, the woolcombers, the compositors, the carpet weavers, the shipwrights, the Britannia-metal smiths of Sheffield, have all proposed, at various periods, courts of arbitration between masters and workmen, composed of equal numbers of each class.

153. Mr. *P. Urquhart.*] Do you refer to the masters or the workmen?—To the workmen; but the Board should be composed of masters and workmen.

154. Mr. *Wise.*] Have not they suggested that there should be an independent chairman?—Some recommend that the Board itself should have power to appoint one in the town; others recommend that the Board of Trade should have the power of nominating the president or the judge, whichever he might be called.

155. *Chairman.*] Are they not all disinclined to have a member as chairman, with a casting vote, who is either master or operative?—Yes, just so; but it is necessary to have an independent President, to prevent the matter as we should say coming to a dead lock.

156. Mr. *Ingham.*] In the enumeration of the committee you said that there were shipwrights connected with it?—Yes, there are, but the observation came not from them, but from Sunderland.

157. Have you been in communication with the Wages Society of Sunderland?—Yes.

158. Do you know that they have had a Board of Conciliation for some time?—They have; it is now broken up, I believe.

159. There are still a great many differences between them?—Yes.

160. Do you know what was the practice of the Board of Shipwrights of Sunderland?—From the correspondence I received, and a personal visitation at the time (I was once in that district) I know that they were composed of an equal number of masters and men, who took into account any differences arising in the yards, as between masters and apprentices, or between one workman and another, and any little difficulties that arose in the district; but they did not apply it to the wages to be agreed upon in future; in some instances they did by consent consider questions of wages, and came to a satisfactory result.

161. Do you know according to the Sunderland usage who is the person who acts as chairman of the Board?—I believe it is an independent gentleman.

162. Is it not the fact that they generally select some person disconnected with the body of magistrates, and that they generally have had a medical man? —I have heard that.

163. If you have been in Sunderland yourself, you know that they have very great faith in medical men, as having a professional connexion with both parties? —I do not think that would give general satisfaction to the country.

164. Did you learn this from inquiries which you made yourself in Sunderland?—No; I have heard from the secretary, a Mr. Ferguson, a well known person, and who has written some excellent things, that it worked very satisfactorily until they came to the question of the rate of wages, and then they broke up.

165. Mr. *B. Blakemore.*] In the paper you have handed in to the Committee, you describe the organization of the Board, and then these words occur, "the Board to have power to summon witnesses, call for papers, the production of all kinds of work in dispute, and generally to take such steps as may be necessary to secure the ends of justice;" do you mean that when any question or dispute should arise between a master and his workmen as to wages, it should be left to the arbitration of one of these Boards, and that the Board should have the power legally to compel the attendance of witnesses for the master and the workmen, to compel the production of such books and papers, and documents, as the Board may consider necessary to fix what the rate of wages shall be, and of all kinds of work in dispute, of whatever nature they may be, and generally to take all such other steps as may be necessary to secure the ends of justice; do you propose that this object should be obtained by compulsion?—I propose to make a material alteration from what is stated here; the object at that time was to transfer the powers of the present statute from magistrates to Local Boards of Trade.

166. You have modified that a good deal?—We propose to modify that.

167. Viscount *Duncan.*] Are you acquainted with the provisions of the Act 5 Geo. 4, c. 96, relative to the arbitration of disputes between masters and workmen?—Yes.

168. Does not the 7th clause of that Act contain a provision with regard to the appointment of referees, the one to be appointed by the workmen, and the other by the masters?—Yes.

169. Is not provision made in the 10th clause of that Act, that in the event of the referees not being able to agree, a justice of the peace is empowered to settle the dispute between them?—It is so.

170. Is it to the 10th clause that the objection of the workmen refers; are the workmen satisfied with the Act except the provision contained in the 10th clause?—They do not like the 3d clause, that "whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for the master and workman, or either of them, to demand and have an arbitration or reference thereof in manner following, that is to go before a justice of the peace." They want to dispense with the provision which forces them to go to a justice of the peace in the first instance.

171. Mr. *Ingham.*] That is only to appoint referees?—Just so; but they object to that.

172. *Chairman.*] You mean to say that the whole of that clause is objected to by the operatives?—They do not object to the principle; it is the detail of the thing.

173. They do not object to the reference, but they object to the mode of it?—Yes.

174. Viscount *Duncan.*] Is not the justice of the peace only to appoint the arbitrator at the request of such parties?—Yes; but it must be done through a magistrate.

175. How do you propose that it shall be done?—I propose that there should be a court established independent of the magistrates altogether, composed of masters and workmen, with a person at their head who should have all the powers of a justice of the peace.

176. Who do you propose should appoint that person?—The Government.

177. *Chairman.*] Some person unconnected with either party?—Just so.

178. Mr. *B. Blakemore.*] Was not the Act of Parliament, under which you yourself were prosecuted, the 6 Geo. 4, c. 129?—Yes.

179. Does not that Act contain a penalty on persons compelling journeymen

Mr. *T. Winters.*

6 March 1856.

to leave their employment, or to return work unfinished, or preventing them from hiring themselves, or compelling them to belong to clubs, &c., or to pay fines, or to alter the mode of carrying on business, and then it states the penalty?—Yes; and what we complained of was, that it did not bear the construction that was put upon it.

180. *Chairman.*] In your opinion, are there particular cases in which such a mode of arbitration will be more essential and satisfactory than others; and, if there are, will you state them to the Committee?—I think the frame-work knitters and all classes of weavers, shoemakers, and tailors, and, in fact, all classes that work by the piece, would derive special benefit from such a Board. In those trades there are differences and disputes arising continually about lengths and widths, and quantities and qualities of work, and disagreements about price, after the work has been made. They understand that they are to receive a certain price at the beginning, but when the work is finished disputes arise about its quality; and I think that the only parties to settle that are the masters and the workmen themselves; and they should have a chance of settling the case at once, because, if a man takes in his work on a Saturday, and there is any dispute about it, it would take several days to consider any question that might be raised before he can get it settled, it would take a week at least; and for the whole of that time the man is getting no work and no money. If a dispute arises he will say, "It is of no use; if I complain I shall get no work; and I shall lose favour."

181. You think a summary decision would answer the purpose of both masters and men?—Yes.

182. Viscount *Duncan.*] Would not it require some person well acquainted with the fabric itself in such a case as that, to determine the dispute satisfactorily?—Yes.

183. Viscount *Goderich.*] Would not persons selected from the masters and the workmen be the right persons to settle such a dispute?—Yes; my idea is drawn up upon paper upon that subject; I stated before, that there is a great difference of opinion among the workmen themselves as to how this Board should be established, or whether there should be any such Board, and also as to what their powers and duties should be. The workmen as well as the masters feel the necessity of some Board or Court to arbitrate legally between them, but I should not propose to interfere with the wages at all; I feel as tenacious of the right as the masters do themselves; and seeing that there is a diversity of opinion among them, I should propose that the establishment of Boards of Arbitration and Conciliation should be left with the Crown, with power to grant a charter of incorporation, upon a petition, emanating from a meeting of masters and workmen in any part of Great Britain and Ireland, praying Her Majesty to establish Boards in their own particular district, for the settlement of disputes, in conformity to a Statute to be made for that purpose, which should contain all the powers and duties necessary for the full carrying out of the object of any Act passed for that purpose; and the judge of the said Boards should be appointed by the Crown, and have all the powers of a justice of the peace granted to him, as set forth in the Act 5 Geo. 4, c. 96. I think that probably would be an easy mode, and it would be for the parties interested to choose for themselves whether they would appoint a Board or not upon the principle of the Friendly Societies Act.

184. *Chairman.*] Do you mean to say, that there should be a Board of Conciliation for every specific trade, or that there should be one Beard for the general trades of the locality?—I have here a paper, which I have drawn up, embodying my views upon the subject: "I would recommend that there be two Boards in each district; one for hearing and determining cases of dispute as they arise, and a second as a Board of Appeal and Conciliation: First, the Board of Appeal should consist of six workmen and six masters, and a president entirely independent of both parties. The General Board, or Board of Appeal, should be elected for three years; the workmen portion by the workmen in meeting assembled, convened for that purpose by advertisement, and from separate branches of industry, as, for instance, one a worker of metals, another of wood, a third of leather, a fourth from the building trades, a fifth from the textile manufactures, and another from the clothing departments; and the same principle to apply to masters: and considering the large number of separate trades and occupations" (I think there are something like 300, and from that to 350), "and the still larger number of branches or sections."

Mr. *T. Winters.*

6 March 1856.

sections," (to get the number of which you might very well multiply the trade by five or six, and if you called them 2,000, it is a large number,) "each having their own numerous and almost endless peculiarities and technicalities, little, if at all, understood by persons out of their own circle, and which might cause much trouble in cases of dispute respecting defective work, or compensation for loss of time, for alteration of machinery, &c. in certain cases; this description of cases, or all that relates to the present and the past, I would leave for adjudication in the first instance to a body of thorough practical men, and would submit a double proposition on the subject. First, each person having a case for reference, and demanding arbitration, should be at liberty to select his own arbitrators, they being practical men working at their trade, who, on going before the president or judge, with an equal proportion of masters or overlookers on their behalf, should constitute a Board, and be empowered to proceed to receive evidence, and arbitrate between the appellant and respondent; this to apply to all trades and branches, and masters as well as workmen." That, I think, would give to each party the opportunity of getting a Board at once, and each party would have his right to nominate his own jury, and secure speedy and satisfactory justice. "Secondly, or each branch should once in twelve months elect from among themselves four persons to represent them; this to be done in a meeting convened for that purpose; and when elected, their names should be forwarded to the judge; and he in each case of dispute of the kind before mentioned, should summon two out of the said four to attend and form an Arbitration Board, and proceed to arbitrate in all cases of dispute relating to the present and the past. This also to apply to masters and workmen. The judge, in each case, summoning the party to any complaint brought before him, and should either party disagree with the award, they shall have power to appeal to the general Board, on entering into the necessary sureties to pay the expenses. The Board to have power to appoint a secretary, bailiff, or other officer, to keep their records, issue summonses, and other duties, and to make bye-laws, rules and regulations, for their own and the public convenience, as well as for good order at their meetings, and such other purposes as they may deem meet." Then, with respect to their jurisdiction: I have considered it first, as respects all questions arising out of the present and the past; and, secondly, as respects the future. I propose there should be two Boards; that the first should be constituted from the various societies in any particular town, and that there should be a court of appeal, something like the Chamber of Commerce in France. But, considering the great peculiarities of trade, and the large number of disputes that would be brought before them, I think there should be a final Board of appeal, composed of practical men, and practical men only, to settle it. Often the matter in dispute does not amount to more than 4 *d.* or 5 *d.* in value, or it is a question as to lengths and qualities, and so on. I propose, "that the duties of the Boards should also be of a twofold character: first, as respects all questions arising out of the present and the past; second, as respects the future. They should have full power, at the request of any employer, or his agent, or any workman having cause to complain of any irregularity or dispute which may arise between them in respect to any disagreements respecting the price to be paid for work done or in the course of being done, whether such disputes shall happen to arise between them respecting the payment of wages, as agreed upon, or the hours of work as agreed upon, or any injury or damage done, or alleged to have been done to the work, or respecting any delay or supposed delay in finishing the work, or the not finishing the work in a good and workmanlike manner, or according to any contract, or to bad materials, or to cases where the workmen are to be employed to work any new pattern which shall require them to purchase any new implement, or to make any alteration in the old implements for the working thereof, or any alteration in the machinery which shall cause a loss of time to the workmen, and the masters and workmen cannot agree upon the compensation to be made to such workman for or in respect thereof; also into all disputes arising out of any contract or agreement, whether such contract or agreement shall be in writing or not; all complaints of want of solidity and quality in bleaching, dyeing, scouring, finishing or calendering or other process, arising from not having used the necessary ingredients for production of good colour; or the want of proper attention to any part or process of such works; all injuries of goods done by them arising from the use of corrosive or otherwise destructive matters; all disputes arising out of bye-

Mr. *T. Winters.*

6 March 1856.

laws, rules and regulations (whether in writing or not) made by employers for the government of the people employed in their several factories, mills, shops, mines or other works, having reference to abatements, fines, attendances, damages, neglects, cleanliness, demeanor or other regulations affecting the liberty, education or social position of the workmen; all disputes as respects charges made for the hire or purchase of any tools, benches, tables, implements, machinery or other apparatus, or for superintendence or under any pretext; or disputes arising in any mine, quarry or other work, whether it be hewing, drawing, weighing or having reference to any other subject, matter or thing which may arise between the employer and the employed, of whatsoever description; all disputes respecting the length, breadth, or quality of pieces of goods; or, in the case of cotton or woollen manufacture, the yarn thereof, or the quantity and quality of the wool thereof; disputes respecting the wages, or compensation to be paid for pieces of goods that are made of any great or extraordinary length; disputes of any other kind as to deficiencies in lengths, widths, quantity, size, weight, preparation, quality, or solidity of any work or labour performed, or goods made of cotton, silk, thread, flax, hemp, hair, wool, or other fibrous material, or any of them combined or mixed one with another; or goods made of bone, wood, leather, stone, clay, skin, gold, silver, brass, tin, lead, copper, iron, or other metal, or mixtures of metals: and generally to take cognizance of the disputes of all persons employed on all materials, animal, vegetable, and mineral, whether prepared or worked in shops, mills, factories, forges, laboratories, mines, or dwelling-houses, or any other place; disputes arising respecting compensation to workmen for being discharged without receiving the customary notice of the trade or district, in the absence of any written agreement; disputes between masters and overlookers as respects their hours of attendance and wages, and between workman and workman where they cannot agree as to a proper division of the wages received in the aggregate for performing a piece of work in which two or more may have taken unequal parts; and, finally, any other dispute between master and workman (except the making of contracts by which each party agrees in future to be bound), whether it may have reference to the wages to be paid, or the hours they will work. In all this description of cases the Board of Arbitration and Conciliation should have full power to decide and determine the differences, and be invested with authority to enforce their orders and awards, either by fine, imprisonment, or distress; and in case of any employer or workman refusing to have an arbitration in cases of dispute, when required by the other party, the case should be heard *ex parte*, and judgment given accordingly. They should also be empowered to award full compensation for loss of time against the party adjudged in fault; the same to be enforced by the Board at the time the award is made in the matter of dispute. As respects the future, they should on all occasions be ready to give their advice and assistance, either to the employer or employed, at all seasons and all times, whenever disputes arise in their several districts, respecting either an advance, reduction, or an assimilation of prices of labour; or an extension, diminution, or assimilation of the hours of labour; or for an extension or alteration of the rules, regulations, and bye-laws of factories, mills, shops, mines, or other places; or for the regulation of apprentices; or any other cause which may pertain to the future. But if both masters and men agree, in writing, to come before the Board, for them to conciliate them, or arbitrate between them upon the case or cases at issue, then the Board should have full power to make such award as might to them seem right and just; and such award should have all the force of law for the period agreed to, and be binding on both parties for that time. They should also inquire into and report to Parliament upon the physical evils which attach to various kinds of industrial labour; such as injuries by sudden violence through defects in scaffolding, vaulting or shoreing; defects of protection against dangerous mechanical operations by hand, machinery, or otherwise; through explosions of steam, fire-damp, or other cause; through extreme bodily effort in carrying heavy weights, &c.; through ill-ventilated workshops or other places; by over crowding; by acrid or poisonous vapours engendered in manufacturing processes; by admixture of dust, grit, or fluff inhaled into the stomach; also, through extremes of heat and cold, privation of light, and a variety of other causes highly injurious to health; and, generally, into the moral, educational, sanitary, social, and physical condition of the people employed in their several districts.

districts. Further, they should be consulted on all Bills brought before Parliament relating to masters and workmen for their opinion." Mr. *T. Winters.*

185. *Chairman.*] Are you of opinion, that assuming such a regulation as is here mentioned to be adopted, strikes would be at an end?—I think they would: there seems at the present moment to be, and there has been for many years, and I am fearful there will continue to be, unless something of that sort is established, a great want of sympathy between the two classes: each seems determined, as it were, to keep aloof from the other. That remark applies to both the master and workmen. He very rarely (there are some honourable exceptions) allows the men to come to him in cases of disputes; it is generally the overseer, or some other person who interferes between the master and the man. I think that if the masters would give the men an opportunity of meeting them oftener than they do, not only upon the wages question, but upon other questions affecting the interests of both parties, that would be a great source of preventing those disputes which are begun by littles, and go on till they approach to great magnitude; for instance, take the Preston case; they offered there, according to the statement made, several times to submit their case to arbitration, but the masters refused to agree to it. If that had been done, instead of their spending, as they did, something like 100,000*l.* in hard cash, and suffering the loss of employment for 35 weeks, which in all probability they will never recover during their lives; they might have settled the matter amicably if there had been a Board of this sort, or there had been some better feeling between the parties, the whole of that strike might have been avoided. I think that the same applies to the engineers' strike, and to almost every strike that takes place. There is a want of general sympathy between the two classes. Let them bring themselves together, and talk to each other about their trade and trade interests, and the state of trade, and their relations one to another, and I am of opinion, that that would tend in a great measure, as well as this, to prevent strikes; and if there were some tribunal of the sort I have mentioned, and Conciliation Councils established between the parties, one representing the metals, and another leather, and another textures and those things, and if they could meet once in two or three months to conciliate each other, and to collect statistical information upon the state of trade and other things, that would do an immense deal of good in preventing these strikes. 6 March 1856.

186. Viscount *Duncan.*] Would you suggest that the judge of this court of arbitration should be paid?—Yes.

187. Would you propose that the members of the court should be paid?—If they were paid at all, they should be paid by a fund created by themselves.

188. Do you think that there would be any objection on the part of the operatives in the country districts to allow a certain sum to be taken from their wages towards the expenses of the court?—I think not. It is proposed in the first instance, to make the whole thing permissive, as it is under the Friendly Societies Act. We propose that Parliament should pass a general measure, giving the working classes the power to appoint these Boards in their several districts, and leave it optional whether they take advantage of the Act or not, just as it is with the friendly societies. Probably that course would do away with a great deal of the opposition which might otherwise arise on the part of persons who might be little informed upon the matter, or who might oppose the Act from other motives. There could be no reason for opposing a general Bill of that kind, which should give the masters and the men the power of taking advantage of it.

189. Are you aware that at present Government have the power of appointing a stipendiary magistrate in any district in case the inhabitants of the district will agree to be taxed to pay the expenses of that appointment?—Yes; I wish that that principle were extended all over the country.

190. *Chairman*] You alluded just now to a loss of 100,000*l.* in consequence of the Preston strike; was that a loss to the master or to the operatives?—To the operatives; that was the amount of money absolutely paid to the men who were out on strike.

191. Was not that strike also very injurious to the masters?—It must have been.

192. Viscount *Goderich.*] Do you think that if there had been a court of arbitration, such as you suggest, in existence at that time, both parties would have agreed to refer their disputes to that court?—I think if there had been a

Mr. *T. Winters.*

6 March 1856.

Board previously established among the spinners and power-loom weavers, if there had been a necessity for an advance of wages, both parties might have agreed to it; if a party says, "The dearness of provisions and a variety of other circumstances, lead us to believe that this is the time to get an advance," I think that if there had been a Board, and if some of the masters had been on that Board, they might probably have proved that the trade was not quite so prosperous as some people imagined (because neither masters nor workmen are always in the right), and probably that strike might bave been avoided, for it ended in worse than nothing.

193. Viscount *Duncan.*] Do you propose that it should be compulsory upon both masters and men to refer their disputes to arbitration, or would you leave it optional?—After the Board is once established, the court should have power to decide all cases brought before it, as is already the case I think among the silk weavers; the 8 & 9 Vict. c. 128, s. 7, contains the following enactment: "And be it enacted, that if any silk manufacturer or other party, employing, contracting, or engaging with any person for any work in any branch of the said manufacture, or connected therewith, or incidental thereto, or for specific work, or otherwise, and whether such person is to be paid according to the nature or amount of the work done, the time employed, or any other manner, shall not from time to time pay and discharge all such sums of money and wages as shall be justly due and payable to any such person, it shall be lawful for a justice of the peace, on complaint made for that purpose, to summon such manufacturer or other party to appear at a time and place to be named in such summons, and for any two or more justices of the peace to hear and determine such complaint and order payment of such sum as shall appear to such justices to be justly due and payable, together with costs for loss of time and recovering the same, and in default of payment immediately, or within such period as the said justices shall direct, the said justices shall issue their warrant to levy the same by distress and sale of the goods and chattels of the said manufacturer or other party; and the said justices, if they shall think fit, may also, by order in writing, authorise such person to return his work unfinished; and such justices shall also fine such manufacturer or other party, for such neglect of payment, if the first offence, 5*l.*, and for the second 10*l.*, and 5*l.* extra for every succeeding offence, unless the said manufacturer or other party shall deliver to the said person employed, a notice in writing within 24 hours after such refusal to pay to the said person employed the amount of wages due, stating the reasons for such refusal in full, and that the said manufacturer or other party intends to have such work arbitrated."

194. The question I asked you was this, whether in the event of a dispute arising in the district between master and man, you would wish that it should be compulsory upon the parties to refer the dispute to the court for arbitration?—No, not compulsory upon the parties themselves, if they could reason between themselves, and agree to put an end to it; but if they could not agree, I would give either of them the power of going before this Board.

195. Mr. *Kinnaird.*] Was the document in writing which you read to the Committee, drawn up by yourselves or under legal advice?—It was drawn up by myself, and no other person is responsible for the opinion here expressed.

196. With reference to the Preston strike, you stated that a reference to arbitration was offered several times by the men; at what stage of the dispute was it offered; was it previous to the strike or subsequent to the strike?—The strike commenced on the 29th of August 1853, and this offer was made on the 26th of September 1853; that would be after the strike commenced. They made a proposition to the masters to this effect: "1st. That a deputation of employers meet a deputation of the work-people, for the purpose of discussing and arranging the differences; or if this be objectionable, we propose, 2d. That the matters in dispute be referred to arbitration, each party to appoint an equal number of experienced men unconnected with the strike, and that R. T. Parker, Esq., M. P., be the umpire. If this does not meet your views, we respectfully request you to make a proposal if you desire to come to an honourable arrangement, and if based on equity, we pledge ourselves to accept it." That was the proposal that they made.

197. That was on the 26th of September?—Yes.

198. You said just now that the workmen can seldom get access to the master, but that generally they are compelled to go to an overseer. As far as your experience

experience goes, is the overseer, in almost all cases of difference between the workmen and the masters, on the side of the masters?—Generally speaking, he is.

199. His interest and that of the masters are identified, generally speaking; and do you find the overseer to be in the interest of the master, and to have an undue sympathy with him?—Yes, it is naturally so; his own living depends upon his position, and in order to maintain his position he bends to the will of the master.

200. *Chairman.*] Do you know any instances where wages have been regulated by these voluntary Boards of Arbitration to which you have referred?—Yes, I do.

201. Will you state them?—I have brought two or three samples of lists of prices, which were agreed to between masters and workmen, in order to show the practicability of such agreements. The wire-drawers of Birmingham agreed to a list of prices drawn up by the masters and the workmen; it is not a very extensive affair. The masters' names are upon the agreement, and the prices that they agreed to pay.

202. Lord *J. Manners.*] Will you state what the date of that agreement is?—It is in March 1854.

203. *Chairman.*] Was the object of that agreement to settle the wages between masters and workmen?—Yes.

204. Was that agreement adopted by both parties?—By both parties.

205. Does that agreement now go on?—That agreement is now going on.

206. Does it give satisfaction to both parties?—It does give satisfaction to both parties. I have an agreement here which was adopted in 1833, at Hawick, in Scotland, which is now going on. The masters and men agreed to a list of prices which was made in 1833; they are the prices now current. The same took place between the masters and workmen of Norwich; the same between the Kendal lindsey-weavers, and several other trades; but the largest list that I know of anywhere as agreed to between master and workmen is contained in this book—[*producing the same*].

207. What is that?—This book contains the rules and regulations, and the list of prices fixed upon to be paid for weaving in the silk trade at Macclesfield. It is a very comprehensive one indeed; it is signed by the manufacturers and workmen.

208. Viscount *Duncan.*] When was that list of prices agreed upon?—In 1849.

209. Does that scale of prices still subsist?—No; I might state that in this case the masters and workmen had a Board of Trade of the sort which we now propose. It was composed of 12 manufacturers and 12 operatives, with Samuel Higginbotham, Esq., as chairman, and Samuel Brown, Esq., as secretary. This Board was established for three years, and during those three years there was not a single case of strike.

210. What was the date of that agreement?—In March 1849.

211. Did it last for three years subsequent to that?—Yes; and as I am informed there were no strikes during the whole of that time; they settled all their disputes amicably; but no sooner did the first firm mentioned here as joining the agreement, the firm of Messr. Brocklyhurst, depart from these rules, than strikes and contentions immediately began again; cases were brought before the magistrates for defective work, and all sorts of complaints were made, and there has been continual strife ever since. That case may be adduced as a proof that it is possible for masters and workmen to arrange their prices, and also as an instance of the benefit of having these agreements. If they could go on for three years during 1849, 1850 and 1851, at a time when almost every trade in the country was striking, that is a very great reason in favour of establishing a Board of this sort.

212. Mr. *Wise.*] Do you know why they discontinued this Board?—In consequence of Messrs. Brocklyhurst refusing to be any longer bound by these rules.

213. Viscount *Duncan.*] That Board has not been re-appointed since?—No.

214. Mr. *B. Blakemore.*] Are not these scales of wages liable to be interfered with by the application of fresh machinery?—Just so; but in all those cases the Board would not interfere between the parties. They would leave it open for masters or men to make an agreement for a week or a fortnight, or a month or two months, as they please; but if an agreement is made between workmen

Mr. *T. Winters.*

6 March 1856.

and masters, the court should have power to consider that as a sort of contract between the parties.

215. *Chairman.*] Do you think that the formation of such a Board would prevent any unfair alteration?—Just so.

216. Viscount *Duncan.*] Is not it impossible, considering the alterations that take place in the prices of almost all articles, to determine wages for any long period?—It is impossible.

217. Mr. *Wise.*] Supposing that in a trade in which manual labour has been totally employed, as, for example, the shoe trade, a machine should be invented which should supersede a great deal of manual labour, would it not be likely that the workmen would strike; how would you endeavour to settle cases of that sort?—Cases of that sort have arisen and are arising frequently. Our opinion upon that point is that all men must bend to circumstances.

218. Mr. *P. Urquhart.*] You spoke just now of the want of sympathy between masters and men; do you not think that that want of sympathy has increased of late years?—I can only answer that in my own experience; it has certainly been the case, but it has been more particularly so since 1830, or some time thereabouts; it seems as if, as men become rich, there is a greater distance between them and the operatives.

219. Do not you think that the increase of the number of men in one manufactory tends to increase the want of sympathy between masters and men, it being impossible for masters to know as much of each individual operative as if they employed a smaller number of men?—Just so; but I think that if the employers would adopt the plan that has been adopted in some instances, where the master has called his men together at the end of the year, or once in six months, and they have had a friendly meeting, and talked over their mutual concerns, they would thus be brought together, and the men would have a greater respect for their masters, and the masters for their men.

220. Viscount *Duncan.*] Is it not the fact that the men in the larger factories are in a better condition than in the smaller ones?—Yes.

221. Mr. *P. Urquhart.*] Are they not at a still greater distance from their employers, although their wages may be higher?—Yes; with regard to the frame-work knitters who are distributed over the villages in the districts of Leicestershire, I think a Member of the House of Commons stated, that the earnings of his workmen were about 5 *s.* 6 *d.* per week.

222. Generally speaking, would not the workmen in the mills be paid a higher rate of wages than that?—Yes, considerably; in fact a petition to the House of Commons was presented some time ago for the purpose of abolishing the practice of taking rent, and a variety of other charges, for the purpose of driving the masters, as it were by force, to the factory system. Some of them have adopted that system, and in those cases the men have nearly doubled their wages.

223. Do not you think that the establishment of these Equitable Councils of Conciliation, or of councils similar to them, would have a moral tendency to prevent a want of sympathy growing up between the employers and the workmen?—Yes.

224. Do not you think that this want of sympathy renders the establishment of these councils more necessary than they would otherwise be?—I think so, because in former times the master and workmen were brought more frequently together.

225. Viscount *Duncan.*] Previous to 1830?—Yes. On account of the large number of hands that are employed in each factory, they cannot get together singly, but they could get together collectively. If the masters would hold a meeting with them, and they were to reason together upon the topics of the day, that of itself would do a great deal; that very circumstance would show a kindly disposition.

226. Mr. *B. Blakemore.*] Are you able to state in what trades strikes have been most numerous?—I think in the weaving trades generally.

227. *Chairman.*] Is it your opinion that the improvements in machinery which have been made, and which are constantly being made, render a reference to these tribunals of conciliation more necessary than they would otherwise be, because the very position of the master and workmen must be constantly changing?—Yes, I think so; because it brings us so many new difficulties as to prices. There must be some thousands of different prices altogether, and there is likely to be a dispute upon any one of these; and so many prices as there are,

so many chances are there of dispute; and we think that these should be referred at once to the arbitration of masters and workmen. That would save the necessity for a strike, because, if a man is reduced from 8 *s.* 9 *d.* a week to 8 *s.* 6 *d.*, he receives it very unwillingly. If something is taken off his pay, or a little more work is put on, and the man says, "I will not submit to that;" and the master says, "You must do so;" that would lead to a strike; but if he said, "Let us submit this to an arbitration; this is a fair matter of dispute between us, and we will abide by whatever the arbitrators say;" I think in that case, strikes would be done away with.

228. Are there not occasionally agitators who get among large bodies of workmen, and endeavour to stir them up to strikes?—It has been stated that there are such, particularly by some newspapers, but it is an erroneous idea; there are no such things as trading agitators. All committees are appointed by their own society, and they all work, I believe, at their branches in their ordinary occupations. By the rules they are appointed by the members themselves, and if there are any agitators at all, they must be the men who are affected, and not the secretaries, any more than the secretaries of anything else; there is no such thing as that. Mr. Cowell has been spoken of (taking the Preston case) as an agitator. He had never been a committee man, or anything else, before the strike, in fact there was no organization previous to the strike; he was a party interested in the matter as a workman. The men must appoint somebody to express their views, just as a deputation going to any office of Her Majesty's Government generally appoint some one to express their views; and they appointed Mr. Cowell.

229. Mr. *Wise.*] In other words, the agitation arises from the strike, and not the strike from the agitation?—Yes. If you could dispense with the necessity for a strike, you give the means for doing away with agitation; the remedy would be to do away with the necessity of strikes.

230. The men, on account of the difficulty of access to their masters, are generally on the look-out for grievances, which will afford a fitting opportunity to seek redress?—That is so.

231. *Chairman.*] Is there any feeling among the operatives that a strike now and then may be of service to them?—I do not know a single case of that description where it may be of service to them, because I believe it is always an injury.

232. Mr. *L. Gower.*] Is it your opinion that if Councils of Arbitration, such as you propose, were established, this association might be disused?—It might be; I cannot say whether it would be so. That would depend upon the amount of power given to the Board. I should like to see a law passed, which would cause the necessity of its abrogation.

233. I believe you have read an account of the sort of Boards of Arbitration you wish to establish; if those were established, is it your opinion that your association would be dissolved?—That would certainly tend to do away with the necessity for it.

234. Mr. *B. Blakemore.*] Do you think it would improve the condition of the master as well as the operative?—I think it would.

235. Do you think that he would be less eager to apply machinery instead of manual labour than at present?—I do not think that. I think every master will do his utmost to get his work done as cheaply as he can, and by the quickest means. There is no feeling in the country, with one or two exceptions, against the employment of machinery. I only know of one strike within these last six years against machinery.

236. Viscount *Duncan.*] Is it your opinion, that there is a feeling prevalent in the country generally, that the improvement of machinery is a benefit to the public in the long run?—I believe so.

237. *Chairman.*] Can you state to the Committee whether there are any other causes for strikes besides the difference of wages?—They are often caused by the regulation of the hours of labour, and also by the determination of the masters that the men shall not belong to societies of this sort; the masters meet to pass rules and regulations, and issue various kinds of documents, to the effect that the workmen shall not belong to this society or to other societies, which they consider injurious. I hold in my hand a copy of the rules passed by some masters in July 1853.

238. Viscount *Duncan.*] Where were these rules passed?—In London; they are as follow: "That in the event of any shop being struck, notice shall be sent thereof in writing to the secretary within 24 hours, stating the names of the men

Mr. *T. Winters.*

6 March 1856.

so striking; and every member is pledged not to employ those men while the shop continues in that state."

239. What trade was that in?—The boot and shoe trade.

240. Mr. *Pellatt.*] In the case of the strike among the engineers, some years ago, did not it end in the masters requiring the workmen not to belong to the union?—Yes; the masters, I see, issued on January the 31st, 1852, an order "That no member of this association" (that is the masters' association) "shall engage, admit into, or, after he shall become cognizant of the same, continue in his service or employment, in any capacity whatever, any member of any trades union or trades society which takes cognizance of, professes to control, or practises interference with the regulations of any establishment, the hours or terms of labour, the contracts or agreements of employers or employed, or the qualification or terms of service. 2. That no deputations of workmen of trades unions, committees, or other bodies, with reference to any objects referred to in Article 1, be received by any member of this association on any account whatever; but that any person forming part of, instigating or causing such deputation, shall be dismissed forthwith, it being still perfectly open to any workman, individually, to apply on such subject to his employer, who is recommended to be at all times open and accessible to any personal representation of his individual operatives. 3. That employers be especially solicited, as much as possible, to avoid the delegation of the engagement or contract of their workmen to others, and to take a more personal superintendence or control of engagements with their hands, and in the most especial manner that they impress upon every person engaged by them their anxiety that, in case of any molestation, annoyance, or obstruction in pursuing their avocations or procuring employment, they should at once apply and complain to the principals of the establishment, who should sift such complaint to the bottom, and dismiss all persons who had been proved to have offered or abetted such molestation or obstruction. 4. That no member of this association shall engage or continue in his employment any person whatsoever, until he has read, in the presence of one witness at least, to such person the rules, if any, of his establishment, and also the following:—'Declaration by the undersigned, on engaging in the employment of (here insert name, address, and trade of employer). I, A. B. (here insert christian and surname of person declaring), do hereby honestly, and in its simplest sense and plainest meaning, declare, that I am neither now, nor will, while in your employment, become a member or contributor, or otherwise belong to or support any trades union, rules or society, which, directly or indirectly, by its rules, or in its meetings or transactions of its business, or by means of its officers or funds, takes cognizance or professes to control or interfere with the arrangements or regulations of this or any other manufacturing or trading establishment, the hours or terms of labour, the contracts or agreements of employers or employed, or the qualifications or period of service. I do also further declare that I have no purpose or intention to call in question the right of any man to follow any honest calling in which he may desire to engage, or of any master to make what arrangements and engage what workmen he pleases, upon whatever terms they choose mutually to agree.'" Then follows the date and the signature of the party and the attesting witness. "5. That no member of this association shall engage any workman who has been previously in employment elsewhere without ascertaining from what establishment he was discharged, and whether the cause of his leaving had any reference to an infringement of the objects of the foregoing declaration. 6. That no member of this association shall on any pretext whatever permit or submit to dictation, interference, or direct or indirect tampering with the management of his establishment, or the engagement or conditions of the service of his workmen; but that whenever any attempts are made to abrogate or compromise the free operation of the foregoing provisions, such member shall at once apply, if he requires it, for the advice, award, and assistance of the executive committee, who shall be bound to afford him every assistance and support called for by the circumstances of the particular case. 7. That in the event of a strike or turn out occurring in the establishment of any member of this association, for reasons or from causes which shall, in the opinion of the executive committee, entitle the employer so assailed to its countenance and support, it is hereby and shall continue to be distinctly understood that all members of the association shall sustain, according to their power and ability,

such

such member in upholding the objects of the association; it being expressly understood and declared that no acts shall warrant the interference of this Committee, except such as it is the declared object of the foregoing provisions to prevent. 8. That in order, as far as possible lies in the power of this association, to obviate any inconvenience which may arise to meritorious workmen from being deprived of any advantages they may fancy they derive from the legitimate objects from which existing trades unions or societies have been diverted, this association gives full authority to the Executive Committee to submit for its sanction a plan for the establishment of a new, sound, and legitimate benefit society."

241. Was that an association of master engineers?—That was an association of master engineers.

242. Viscount *Duncan.*] In what place was it?—In London; it was during the strike, and I think the same principle has been applied by the glass-makers in Manchester.

243. Mr. *Pellatt.*] How long did that strike last before it led to this association of masters?—A very short time.

244. What was the length of the strike?—Three or four months; I cannot speak without the papers.

245. Was it not a very extensive strike?—There were a great number of shops engaged in it, but I think their society consisted of something like 12,000 men, and that there were something like 3,000 on strike, so that one-fourth of the men were concerned in it.

246. Who was the secretary that directed the strike, and advised the workmen generally against the masters?—I do not pretend to be in the secrets of their mode of doing business, but from looking over the rules it appears that each society has the government within their own hands; certain propositions are submitted to all the members in their several local societies, and the general committee of engineers act according to the instructions of the members.

247. On the part of the workmen was not there a central association directing that very extensive strike, which led ultimately to this central association on the part of the masters?—Yes; although there has always been a general understanding between the masters, their association arose out of this association. I see, by a reference to the paper which I hold in my hand, that it was resolved by the workmen, "That all engineers, machinists, millwrights, smiths, and pattern-makers cease to work piece and systematic over-time after the 31st of December 1831; that in all cases of break-downs or accidents, where members of the trade are called upon to work over-time, that they be paid double time for all such time worked." They probably could give a good reason for that; I do not pretend to understand that.

248. Do you think that if, when that strike took place, there had been, as is now contemplated by your committee, such an Act of Parliament as would constitute an equitable tribunal between master and workmen, that strike which caused so much mischief might have been avoided?—I think that if there had been a Board of that sort, taking the case as it appears here, and as I believe it really was, there might have been a very ready road found out of the difficulty. I have not the slightest doubt from what I know of some of the engineers, that they would have been willing to submit to any terms that were not disgraceful; and that the whole of that affair might have been settled amicably between the two parties.

249. In the event of such a council being ultimately established, would you make it imperative upon the workmen on all occasions to resort to that tribunal?—No, I would not; I propose, that in that case there should be a general law passed in a similar manner to the Friendly Societies Act, giving power to persons to establish these courts of conciliation or arbitration wherever they might be desirable, and where the masters and men could agree; and that when they had these Boards once established, the men should have a perfect right to go to this Board in any case of a dispute arising out of a contract, or anything of that sort, and submit such dispute to it. But if it related to the future, it should be left to the parties themselves as to whether they would submit to that sort of arbitration or not. I think that the formation of a Board of that sort would tend to that; because, supposing the Board made some report annually to Parliament, or to any other authority, or even to the public press, I do not think the masters would

Mr. *T. Winters.*

6 March 1856.

would like a second year to have it noted, that they had refused arbitration where it was required.

250. *Chairman.*] You would presume that the whole affair was permissive; that it was not binding upon the masters, because the workmen consented to the arbitration, that they should consent also?—If the Act was passed, and they agreed to accept a Board in any particular trade, and there was a dispute relating to the masters, that is, to any contract respecting an agreement (I am not speaking as to the regulation of future contracts), in that case either party should have a right to go before the Board, and the Board should adjudicate, and its adjudication should be decisive upon the matter.

251. Viscount *Duncan.*] Is not it the case, that the rate of wages in the same trades varies a good deal in different districts?—Yes, it does; there are many causes, I think, for that; for example, the kind of machinery used and the facility of transport; taking one place situated in the midst of fuel, they can carry on their operations more easily than an establishment of a similar kind 40 or 50 miles away.

252. Is it your impression that there always will be a great variation in the rate of wages paid in the same trade in different districts?—It is very probable.

253. *Chairman.*] Can you state to the Committee, to the best of your information, the number of cases which have been referred to the magistrates by workmen and operatives?—I remember in one case, where I applied for such a return, in Leicestershire, and Nottinghamshire and Derbyshire, there are 40,000 framework knitters in those counties to which the Act applies, and there are large numbers of other trades, and I think in 1842, 1843, and 1844 there was only one single case that had been referred to the magistrates for arbitration.

254. Did that arise from disinclination on the part of the workmen to apply to the magistrates?—From the want of faith in that mode of redress. Their language is, "What is the use of my going to the magistrates; I do not like to go to the magistrates at all, to fetch a summons out against my master, for I know that the consequence will be, that I shall get no more work; I shall be a marked man here and get no work;" and then the length of time that it would take before the case could be settled would be a hindrance. Take a village six or eight or a dozen miles from a market town; suppose a workman who travels there on the Saturday to get his materials and to take his work in on the Saturday, has some dispute with his master at that time; the man has to go 12 miles; the master must either go to the other end of the district, or the man must come to him. He has to travel 48 or more miles for probably 1*s.* or 1*s.* 6*d.*, but 1*s.* or 1*s.* 6*d.* is a great consideration for a man who only gets 5*s.* 6*d.* a week; and therefore he is obliged to submit to the reduction of 1*s.* 6*d.*, rather than undergo this trouble.

255. Viscount *Duncan.*] Would not that be the case in the event of the appointment of these councils?—I should propose that they should have power to decide upon cases at once, as it is now with the silk-weavers. If a man takes in some silk on a Monday morning or any other morning, and there is a dispute between him and the master, he says, "We will have it referred to arbitration if we cannot agree between ourselves." The Act empowers them to have an arbitration in such a case.

256. Sir *H. Halford.*] You have stated that one of the objects of the association which you are connected with, is to secure the payment of wages without deduction?—Yes.

257. What deductions have you particularly in view?—When that resolution was framed, we had in view all kinds of deductions, such as rent of tools. In framework-knitting branch I have known cases where the masters have taken 4*s.* out of 5*s.*, and 9*s.* out of less than 10*s.*; we had in view cases of that sort, but it has been settled by the judges that this is not within the Act, and therefore we have no means of stopping it.

258. Do you mean to say that you have no disposition or power to interfere except in cases where the deductions are illegal?—Yes; where they are illegal under the statute.

259. That is to say, where they are illegal under such an Act as the Truck Act?—Yes.

260. Supposing a court of arbitration were established upon a regular footing, do you think it would be possible to prevent unreasonable deductions from wages, apart from the prohibition of law?—Yes, I think so; because in the case where a man

a man has had three days' work only given out to him by the master to perform, and at the end of the week, the master, although not permitting him to occupy the loom or frame the whole of that week, takes the whole week's frame rent, he would probably say, I do not think it is fair; I think you ought not to have taken more than half the rent, or half the expenses. If you have no objection, we will submit it to arbitration. Or it might be a case for the inquiry of the Board itself, as to how far that practice acted injuriously upon the interests of workmen.

261. *Chairman.*] Are you well acquainted with the species of deductions practised with regard to the frame-work knitters?—Yes, I am.

262. Are not the demands made upon the men often excessive?—Yes, they are.

263. Do you think that if courts, such as those you contemplate, were regularly established, they would have a beneficial effect in reducing these deductions?—Yes, I think they would; I know that in 1849 the frame-work knitters memorialized the Board of Trade for leave to establish for themselves a Board of this sort; and rules have been drawn up since that time by the frame-work knitters of Nottinghamshire and Leicestershire upon the basis of the rules of the Macclesfield Court.

264. Viscount *Duncan.*] At the time of a man being hired in the frame-work knitters' trade, are not the deductions the subject of agreement between the master and the man; are not they taken into consideration at the time of his hiring?—No, there is no hiring; it is not a hiring in the ordinary sense of the word. A man goes, say on the Monday morning, to take the frame; he takes it as a man would take a house, and he expects to continue for the whole of the week; but the master on the second week, when he goes on the Monday, says, "I have not got any work for you to-day, you had better come again on Tuesday;" and on Tuesday he says, "You had better come on the Wednesday." The man may say, I will work for myself; but the master will say, "Oh no, you cannot do that; I shall not allow anybody else's work to be made on my frame." I look upon that as an oppression; because, if the man will neither find him work nor allow him to find it himself, and then takes the full rent and all the other expenses of the machine, it is very unjust.

265. As far as I understand you, the frame belongs to the master?—It may belong to the master or it may belong to some other person; if it does not belong to the master at all, of course the man takes the frame at so much a week, and is allowed to work at it all the days of the week, wherever he can get work.

266. In that case, there is no deduction from his wages?—Yes, there is, in most cases.

267. I am speaking of a case in which there is a deduction from his wages. As far as I understand, the deduction from his wages takes place as the hire of the frame?—Yes; the deduction from his wages takes place as the hire of the frame, and for various other items, amounting to eight or nine in number.

268. At the time of the agreement being originally made between the master and the workmen, are not the hire of the frame and these other matters taken into consideration?—Yes, as far as regards the sum to be paid for the frame; and it is also taken into consideration that the master should find work; and the workman complains that the master does not find him work; that is his part of the agreement; the other part of the agreement is, that he should pay a certain sum per week.

269. The complaint is, that the master does not perform his portion of the agreement?—Just so.

270. Sir *H. Halford.*] In point of fact, the deductions are often excessive?—Yes.

271. And that without any particularly distinct agreement?—Just so. All the terms are partly understood; there is no such thing as a clear agreement between them; it is an understood thing.

272. That being so, the workman, under the existing state of the law, has no redress whatever?—None whatever.

273. He is obliged to submit to the deduction, let it be what it may?—Just so.

274. Viscount *Duncan.*] Might not this be remedied by agreement?—The masters refused to make an agreement.

275. Mr. *Wise.*] Might not the question arise whether the masters would give

Mr. *T. Winters.*

6 March 1856.

give any work, if the man did not take the frame?—It might; that is left with the man; but if he has taken a frame, he must pay the rent of it.

276. Mr. *P. Urquhart.*] Have many men machines of their own?—Very few.

277. Are they allowed to work with their own machines?—Yes, because there are many employers who have no machinery of their own. In some cases where men rent the machine from a third party, the masters charge them 1 *s.* 6 *d.* a week.

278. Have you known any instance where a man having a machine of his own, the master has said, "You must not use your own machine; you must use my machine, and pay for it"?—I have known a case of that sort, but it is not a common case.

279. Sir *H. Halford.*] You think that it might have a beneficial effect that there should be a Board of Conciliation, to which, in any case of excessive deduction being demanded, the workmen might have an appeal?—Just so; and I should also recommend that clause 18 of the Arbitration Act should be taken into account. It enacts, that "with every piece of work given out by the manufacturer to a workman to be done, there shall (if both parties are agreed) be delivered a note or ticket in such form as the said parties shall mutually agree upon; and which said note or ticket, in the event of dispute between the manufacturer and workman, shall be evidence of all matters and things mentioned therein." But it generally happens that the masters do not agree, and therefore the clause is nugatory. In everything I have mentioned, I think there should be some sort of agreement between the two, in order to enable the Board of masters and workmen to know whether the agreement has been departed from or not. I think if you get a Board, there will be a great deal of dispute, if this clause is not amended.

280. Did not that Act contemplate that there should always be an agreement between the masters and the workmen?—Yes.

281. Practically, that Act is evaded?—Yes, by means of the words in the parenthesis, "if both parties are agreed." They were put in by some means or other, and they have made the whole thing nugatory.

282. Viscount *Duncan.*] By the 10th section of this Act, if the parties cannot agree, they are referred to the justices?—Yes.

283. *Chairman.*] From what you have stated, it appears that you think, that with reference to that application to the magistrates, this Act is almost inoperative?—It is so. It has been applied in some cases by the silk weavers of Coventry, but then they had the other Act to fly to, which made it compulsory.

284. Viscount *Goderich.*] Then it was not that Act which was applied in that case, but the other Act?—No, it was not.

285. Mr. *Pellatt.*] With regard to the frame-work knitters, do not the workmen sometimes hire their looms from third parties, and not from the masters?—Yes.

286. Do not they hire by the week, and does not the hiring go on from week to week, whether they have work or not?—Yes.

287. Then the master does not do more as against the workman than if the workman had hired from a different party; will he not in both cases have to pay, whether he have work or not?—Yes, but the difference is, that if I hire a frame from an independent person, I am allowed to work for whom I please; but if I hire it from a person who is a manufacturer, I can only work for him.

288. Mr. *L. Gower.*] Do you believe that the customary amount of rent is often claimed for the frame, although the operative has not been allowed to work at it?—Yes.

289. That being the case, must not the operative, when he enters into an agreement with his master, be fully aware of the liability?—He may have expected such a thing, but that arises from there not being direct communication between the manufacturers and the workmen; there would not be so much hardship if it were so; but there is another person who interferes, called the middleman, who may have eight or ten frames from the manufacturer and five or six of his own, which he rents at 6 *d.* or 8 *d.* a week, and charges at 1 *s.* 6 *d.* a week; he distributes the work given out for the 10 frames among the 16 or 18, and charges the whole rent upon the frames, and therefore he is compelled to give the men less work than they could do.

290. But considering that it is the habitual practice of the masters to claim this rent, must not those who are engaged in that trade be aware of that liability?—They

—They are aware of that liability, but they must submit to it; they have tried to withstand it by turning out, and by making representations to the manufacturers, and in various other modes, but without success. The guardians and other officers of unions have tried to show the manufacturers that it would be their interest to employ the workmen directly, and to bring them together in manufactories, and in some cases that has been done; every one feels it to be an evil. Where the manufacturers have put the men together in factories, and have abolished the system of hiring frames, it has increased the wages of the workmen nearly one half.

291. Viscount *Duncan.*] Are not these manufactories extending?—Yes, I think they are.

292. Is not the tendency of the trade in that district to establish large manufactories?—Yes; the more they dispense with the rent system the more they will benefit the workmen. There was one point which I intended to have mentioned, it was a strike among the stonemasons; there was a strike at the time the Houses of Parliament were building, and they spent 3,457 *l.* 8 *s.* 5 ½ *d.* in that strike.

293. Who spent that?—The stonemasons' society. I mention this to show how often strikes might be settled by a little conciliation. There was a dispute between an overlooker of the name of Allen and a workman of the name of Ambrose Prothero, a stonemason; he desired to go to Manchester to bury his mother, and wanted leave of absence; Mr. Allen, the foreman, refused his request. I think that if there had been the means of arbitration, and the men, or any other people, could have gone to Messrs. Grissell & Peto about it, the whole of that strike might have been avoided: it all originated in a dispute as to whether a man should go to Manchester to bury his mother, or not.

294. *Chairman.*] Is not it stated in your book that he received permission to go, but was allowed to be absent only three days?—I will read a statement of the facts of the case: "In the year 1841 a workmen named Ambrose Prothero, a stonemason working at the new Houses of Parliament, desired to go to Manchester to bury his mother, and requested leave of absence for a fortnight, which was refused; he then asked for a week; a Mr. Allen, the foreman, said, 'No; I think three days sufficient; one to go, one to be there, and one to return,' and he would not allow more. It appears that the man was four days away, and when he returned he was grossly insulted, and put upon inferior work: he communicated the fact to some of his brother workmen, who remonstrated with the foreman upon his unfeeling conduct towards the man under the circumstances: this led to others being discharged; a representation was made to the principals, Messrs. Grissell & Peto, who answered, 'We do not, in the present instance, consider that the circumstances detailed in your letter are such as would warrant our appointing any other foreman at the works of the new Houses of Parliament.' A general strike was the result."

295. Do you think that this could have been avoided if there had been anything like a Conciliation Board?—Just so; from small causes a strike may often be caused.

296. Mr. *Wise.*] Will you state to the Committee what you know as to the arrangements made at Kidderminster with reference to this subject?—The arrangements at Kidderminster were these: in 1853 workmen wanted an advance of wages, and a deputation waited upon Mr. Lowe, who represents the town in Parliament, and the mayor, and Lord Ward, and that led to a meeting of the masters and workmen generally; there were 27 firms represented by 37 delegates from the workmen, and there were also several masters present. They proposed to settle eight questions by arbitration; the first of these questions to be settled (each of which might have caused a strike in itself) was as follows: "The weavers claim that the system of compelling each man to 'shear' his piece be abolished;" that took a long time. The second point was, "That the long mooted question of restricting the hours of labour in the carpet trade be fixed by mutual consent." The third point was, "That there should be a Board of arbitration, to be composed of an equal number of manufacturers and workmen, to settle all disputes that may arise from time to time in the trade, that is to say, between employers and workmen." The fourth point was, "That all work done be paid for once a week, on each Saturday."—The fifth point was, "That the system of working one and one three thread be consdered, with a view to an equitable adjustment of prices; also six

Mr. *T. Winters.*

6 March 1856.

and seven frame work." The sixth, "That the duties of foremen, as regards their conduct to the workmen, be fixed by this conference." The seventh, "That a general advance of 1*d.* per yard on all qualities of Brussels and pile carpets and other descriptions of carpets, in due proportions, be conceded to the weavers. Altering to be paid for by all manufacturers in accordance with the "Price List of 1836." And the eighth, "That a Committee be chosen from this conference to draw up rules and fix prices for the future government of the carpet trade, to be composed of masters and men.

297. Those were long standing grievances?—Those were long standing grievances; the masters met the men; there were seven masters and seven workmen, and they succeeded in settling seven cases out of the eight by arbitration; I believe Lord Ward was present at two or three of their meetings; they also agreed to a list of prices; they did not agree about the 1*d.* advance, but in all other respects they agreed to the seven questions laid down here, and they also agreed to a list of prices.

298. Has not Lord Ward the credit of having done a great deal to promote harmony in that district upon that subject?—He has; and so has also the mayor, Mr. Kiteley. I believe there was a general good feeling in the trade at that time.

299. How long did that Board which was then established, last?—They only had three sittings.

300. Do these rules and regulations still continue?—No; I will put in a copy of their rules—[*The same was handed in.*]—The Board was broken up in consequence of some expression of feeling among the workmen of one of the manufacturers of the name of Humphreys against it; the men stated that the masters were the cause of the dispute, and the masters stated that the men were the cause of it; and which was right I do not know.

301. Viscount *Duncan.*] How long did that Board exist?—About a month.

302. *Chairman.*] Was it beneficial as long as it lasted?—It was highly beneficial; seven questions out of eight were decided in a manner which gave very great advantages to the men.

303. Viscount *Goderich.*] When you say, that the Board only lasted a month, do you mean that the regulations of the Board were only enforced for a month?—Yes; the reason of that was this: after they had had three meetings the masters considered that the question about the 1*d.* advance was settled, from the fact of their having agreed to a list of prices, and their inability to pay more, as well as a promise that they would consider that point when the trade improved; but the men afterwards did not consider that point settled, and a strike for that penny was the result.

304. Were they unable to settle that point?—They were.

305. Mr. *Wise.*] Was not it a small minority of the workmen who caused this disagreement?—Yes; only one firm out of 27, and only a portion of that firm.

306. Were not the great majority of the workpeople and of the masters annoyed at the conferences being broken up?—Yes; the vicar of the parish, and almost everybody else, was annoyed at it.

307. Viscount *Duncan.*] Has there been any attempt to reappoint that Board?—No, there has not.

308. *Chairman.*] From what circumstance has it arisen that they have never attempted to reappoint that Board?—I can only draw my own conclusions about it, not knowing the minds of the men; but I rather think that after the strike took place the masters would disapprove of another Board, probably composed of the same parties.

309. Are you of opinion, that if there had been a Board of Conciliation, such as you have described as being desirable, the difference would not have occurred?—That is, as respects the future; I am not in a position to say whether it might have occurred, but I think if the Board had been of long standing the men would have been inured to the system; it was new to them, and they expected they were going to derive greater advantages than they did; that they were going to have the 1*d.* advance, which they did not get. In that year there was a great number of advances, on account of the great scarcity of provisions.

310. Viscount *Duncan.*] May we infer that both the masters and men were dissatisfied with the constitution of the Board?—They were not dissatisfied with the construction of the Board, but they were dissatisfied with what followed; they held out for the 1*d.* advance, while the masters considered it settled, and so did some of the men; but another portion did not consider it so.

311. They have never made any attempt to reappoint the Committee?—No, they have not.

312. Mr. *Wise.*] Probably if there had been an authority, such as you have suggested, this dispute might have been settled?—Yes.

313. It was the absence of a law which broke up the system?—Yes.

314. Viscount *Duncan.*] Are you aware of there being in any trade at present, a council for the arbitration of such disputes formed of the masters and the men?—Yes; there is one at the present moment which was established on the 7th of January in the present year, between the master compositors and the workmen compositors in London. I have here an account of it, which is as follows: "A general meeting of the master printers of London was held at the Freemasons' Tavern on February the 7th, to take into consideration the proposed rules for the guidance of an arbitration committee. The meeting, which was but thinly attended, was presided over by Mr. Clay, who briefly explained the advantages likely to result from the proposed method of settling disputes, as compared with that hitherto adopted. The following rules were then submitted by the secretary, and were unanimously agreed to. 1. The object of the arbitration committee, to avoid referring trade disputes to courts of law; such arbitration committee shall consist of three masters, to be nominated by the master in whose office the dispute shall have taken place, and three journeymen who shall not be employed in the said office, to be nominated by the journeyman, and be presided over by a barrister as chairman, who shall be appointed annually by the secretaries of the two committees of masters and journeymen, and who in all cases of division in which the votes of the arbitrators are equal shall decide the question at issue by his casting vote. 3. Disputes referred to an arbitration committee must be adjudicated upon within two months from the date of dispute being referred to such committee, unless an extension of time be mutually agreed upon by the contending parties, or deemed necessary by the barrister. 4. The fee of barrister and hire of rooms to be paid by the party against whom the decision may be given. 5. Either party neglecting to appoint their members of the arbitration committee within one month after the claim has been made in writing for the appointment of such committee, or refusing to refer the matter in dispute to arbitration, to be considered as having received an adverse decision. 6. That the scale of 1810, with the additions, definitions and explanations as arranged at a conference of master printers and compositors, held in 1847, formed the basis of the decisions of the committees. That when the arbitrators consider the words of the scale ambiguous, their application to the particular case in dispute doubtful, or that they have no reference to the question under consideration, ascertained established usages shall be taken as decisive; but when trade practices are found to be so varied as not to constitute 'custom,' the award shall be based on equity and analogy. 7. That these rules shall be considered as having come into operation on the 1st day of January 1856, and shall continue in force until written notice to discontinue them be given by either committee; such notice not to take effect until after three months from the time of its delivery."

315. Viscount *Duncan.*] Have any disputes been referred to the committee to which you refer?—Not since it has been established; but they have had the same principle in operation for many years, only they have never been induced to form special rules.

316. Was that a meeting of both masters and journeymen?—Yes.

317. You said that they had been in practice for a number of years?—The principles have been practised for many years.

318. Did that arrangement work beneficially?—Very beneficially.

319. And satisfactorily to both masters and workmen?—To all the leading masters, and, I may say, to all the workmen.

320. Have there been many disputes in that trade?—I cannot say the number; not very many. The principal object, in addition to this arbitration, is paying men out of employment; they pay them large sums of money.

321. What is the name of the secretary who drew up those resolutions?—Mr. Cox; his name does not appear here.

322. Mr. *P. Urquhart.*] Do you say they paid the men large sums of money?—Yes; most societies do that.

323. Then it is a sort of benefit society in addition to being a trade's association?—

Mr. *T. Winters.*

6 March 1856.

tion?—Yes; some societies have paid as much as 10,000*l.* in one year; I believe the engineers paid that sum in one year.

324. Viscount *Duncan.*] Have they a large sum of money now lying to their credit, or is the money required raised at the time?—With regard to trades generally, they always keep a reserve fund in case of necessity. When their funds are going down, they have the power of putting on an extra levy, and increasing their contributions; in that way they keep their funds up.

325. Mr. *B. Blakemore.*] Were you rightly understood to say, that these societies are, in some sense, insurance societies?—Just so.

326. A man would draw out to the extent he had contributed?—That is another society.

327. Are you connected with a society where there is a fund which has been applied to the relief of those out of work?—No, I am not; I was only mentioning that it is a fact. I think also the tailors' society of London have done an immense deal in the way of arbitration. No doubt one of their members will be examined, and he can state the particulars.

328. Viscount *Duncan.*] Do you know of any other instances of arbitration between masters and men?—I could name several in different parts of the country. I may state, there is Mr. Box, for instance, in Regent-street, who adopted that system with his workmen; the Britannia-metal smiths of Sheffield adopted the same system; the wool and carpet-weavers of the North of England and Scotland adopted that system. They meet their masters once a year, and if there is any little difference, they settle it among themselves, without reference to any one else.

329. Does that system work satisfactorily?—Yes, to both parties; but if the masters have a mind to withdraw from it, they have the power to throw the whole thing into confusion, and we want to prevent that.

330. In fact you want to make it compulsory, instead of optional?—We would make it optional with them to take advantage of the law; but if they once take it, after that it shall not be optional.

331. Mr. *B. Blakemore.*] Considering the extent of capital possessed by the master, whereby he gives employment to a large number of labourers, and considering also the large number of people who are labourers, do you think that the master or the operatives would gain the greater advantage, or would they mutually gain equal advantage from the establishment of such tribunals as these?—I think they would both gain advantages, because whenever an unpleasantness takes place between the master and his workmen, it must be a loss to the employers, and we are also certain that it is a loss to the workman, but he considers at the present time that his only chance is exertion; he may consider that this act of aggression is the only means he has to resort to, if the master is obstinate, and so he resorts to a strike; but I believe most of them would much rather that the case should be referred, if it was not too delicate, to arbitration, and abide the consequences; in that case, both parties, I think, would be benefited.

332. You do not think that the establishment of these Boards, and their operation, would give rise to any greater embarrassment to the masters than to the men?—I should not like to see anything inquisitorial in it, such as inquiring into the books, and so forth; I would not interfere with the master's books. Suppose it is a case of reduction of wages, and the master says, "I cannot afford to pay the price I have been paying, either from the want of demand or from the price of some peculiar material that is necessary to conduct my manufacture." I think, if he were to state that to a Board of workmen, they would accept of it; but they now complain that the masters will not reason at all.

333. Would it answer the purpose for these courts of judicature to rest simply upon the examination of the master; might not cases occur in which their veracity or fair-dealing was in question, and in which the production of the books and papers were called for?—Supposing the 18th clause of the Statute were to be altered, and it were enacted that there should be a contract between the two parties, as a matter of course the decisions of the Board would be upon that contract, and if the master says that the quality of the work is not made as he expected, it is not so good as it ought to have been, I think the work ought to be produced as a sort of reference; it should be produced for both parties to inspect the work if it is a dispute of that kind, but if it is a dispute as respects the future, such as wages or over-work, or anything of that sort, it should be a matter

matter of arrangement between the parties themselves; but if these Boards of Conciliation can further that object, and maintain peace and quietness between the parties, which I think they would to a great extent, from the very nature of their position, it would be well.

334. You are a member of this association; have you been in France?—No, I have not.

335. Have you corresponded with any members of the society there?—No, I have not.

336. What is your opinion as to the relative independence of the labouring classes in France, and the labouring classes in this county?—I think it is in favour of the Englishman.

337. Have they any parochial system in France?—I believe not.

338. They have no poor-law?—No.

339. Viscount *Duncan.*] You are not acquainted with the state of the labouring classes there?—I have never been in France.

340. Mr. *B. Blakemore.*] Have not you corresponded with France?—No, I have not.

341. Viscount *Goderich.*] Do you know anything of a conference taking place between the employers and the journeymen in the shoemakers' trade in 1852?—I was not present at the meeting; I know that such a conference took place.

342. Can you give the Committee any account of it?—I can say no more than this; that there was a long dispute and a strike, and after they had spent a great deal of money, and undergone some anxiety on both sides, they both of them agreed to meet together and form themselves into a conference; and after they had set down the arrangements and laid down a principle between them, they settled the difference, and there have been no differences since that year.

343. Mr. *Kinnaird.*] Did not you state, just now, that you could conceive circumstances which might render it necessary to reduce wages?—I spoke in general terms.

344. Have the workmen a sufficient knowledge themselves, as far as you know, generally of the masters' profits to be able to judge of that matter pretty well?—No, they have not; they simply look at the thing this way: this work is worth so much, and I ought to have it. I think, if the masters and the men could be got together, they would reason differently to that.

345. Viscount *Duncan.*] What is it that, in your opinion, separates the masters and the men at present?—I think, possibly, the want of sympathy between them. There does not seem to be any connexion between them. If the masters and men were brought together more, it would be well. There are some masters who look upon the workmen in no other character than that of mere machines, or as they would look at a horse, and as soon as they have done with them they get rid of them. That is the character of some of the masters. The men think the same; they say, "All that this master wants me for is to get what he can out of me, and when he has done with me to cast me on one side; and therefore he has no sympathy for me, and no care, except for what he can get; and why should we care for him."

346. From your experience, do not you think that there has been a more kindly feeling springing up of late years between the masters and men than there used to be?—There have been a few instances where the masters and men meet together annually either to partake of a dinner or supper, or whatever it may be, for the purpose of conversing together; even that does an immense deal of good, more good than the masters, probably, are aware of; there are several who do that, the compositors have had no disputes for many years; it is their practice to have an annual dinner, at the annual dinner every one is sociable, and that feeling lasts.

347. Mr. *Wise.*] If there are any grievances, they ooze out and become known to the masters by this means?—It produces a good feeling, they do not go into matters of trade at their meeting.

348. Mr. *P. Urquhart.*] Although it is only once a year, it produces a good feeling?—It does.

349. Mr. *Kinnaird.*] Is not it your experience that one man who happens to be a disagreeable sort of man might create great mischief between the employers

Mr. *T. Winters.*

6 March 1856.

and employed?—I do not think he would do that where there was a proper feeling between the masters and the men; I think it would be out of the power of any man to create an evil feeling against them, because these men generally can be reasoned with; we can reason with them, even where masters have absolutely refused to concede to their wishes; the workmen have said to us, "What does he care for me; he cares no more about me than you do for the road you tread on; it is of no use to talk to him;" but we have said, we will talk to him at any rate, and we have succeeded in settling cases, even of that extraordinary description.

350. Mr. *B. Blakemore.*] You would not say, as a general rule of the masters, that they are inaccessible?—No; but I say that there are such cases.

351. Is not it usual, where there are any large bodies of men, that friendly societies are established, and that the masters think it their duty to take a great interest in those friendly societies?—Yes.

352. That would be rather the general rule than the reverse?—I should not like to say that it was the rule; it is carried on to a very great extent.

353. Do not these things tend to the promotion of good feeling and confidence between the masters and men?—Yes, the rules of some of the manufactories I mentioned are not exactly what they ought to be, for example, in some factories there is a rule that if there is a breakage of a mill window, and they cannot find the actual person that does it, every man actually in the mill is fined until they have found it out; that very fact of itself would cause discontent in the minds of those persons.

354. Viscount *Duncan.*] Is not it the fact that those rules are shown to the men before they enter any particular factory?—They are hung up in the factory, but the men do not see them at the time.

355. Do the men know those rules before they are engaged?—I could not say whether they do or not; but I suppose they do; that they are compelled to accept their situations.

356. Mr. *B. Blakemore.*] If a man has to pay a fine in a case of that kind, the only remedy he has, is to give a month's notice, and throw himself out of employment?—Just so, with the chance of getting no more work.

357. Mr. *Wise.*] Do you think those rules and regulations make the men more careful of the master's property and interests?—I do not think they make them more careful.

358. Do not they often create great differences?—I think a single kind word would produce more care than a hundred rules.

359. Mr. *P. Urquhart.*] Is not it necessary to have rules to make the men careful of the master's property?—No doubt it is necessary to have rules in every manufactory, in every workshop.

360. Do not you think it is a fair rule, that if you do not know who broke the window, there should be a stoppage of wages?—I think not, for this reason. Suppose there are 20 workmen in the shop, scattered among the machinery, it is impossible for them to know who broke the window. If I were standing against a window with two or three others, it would be impossible for them to say who broke it.

361. *Chairman.*] Do not you think that a vast number of windows would be broken, and a great deal of damage would be done, if they knew there was no such rule?—I will mention a case in which the masters took away all the fines but one; which was in case the men should not attend within five minutes of the time; if he did not do that, he was liable to be fined. They rested themselves upon the principle, that they had always the power of discharging the men, if they did not act rightly.

362. How would you prevent damage being done to the masters, from carelessness, which is so prevalent among operatives, if you had not some sort of fine?—What I complain of is, making the innocent man suffer for the guilty; if you can find any other means of punishing the guilty, they have no right to complain of that, but it is punishing the innocent with the guilty which they complain of.

363. What means would you devise that the masters should employ in order to prevent his property being destroyed by 400 or 500 people?—Only the power of supervision on his part.

364. Viscount *Duncan.*] Is not it the fact that there are different rules in different factories?—Yes.

365. Mr. *P. Urquhart.*] Suppose that practically a window is broken, in nine cases out of ten, do not the operatives know who did it?—No, I think not; because they are not in the presence of each other.

366. Might not they find out?—Suppose there are 20 men in the shop, and half a dozen boys, the probability is that it is one of the boys heaving something to another; in that case it is very hard to make the men suffer.

367. Do not the men find it out?—They try to find it out, but often they cannot succeed.

368. Do not they generally find out?—No.

369. Viscount *Duncan.*] You do not propose that these cases should be submitted to the Council of Arbitration?—I should propose that the Council of Conciliation should interfere whenever a rule is found injurious; the men should have some share in the making of those rules, and then I think they would abide by them.

370. Mr. *Wise.*] Do you think that all the rules and regulations should be confirmed by the Council of Conciliation?—If that were done it would be satisfactory.

371. I gather from your evidence, that the cultivation of a mutual good feeling would be the best security for the masters' property?—Yes; I am certain of it. I worked at my own trade something like 20 or 25 years, and, from my own experience, I am certain that that is the best safeguard against any injury to the masters.

372. Mr. *B. Blakemore.*] What remedy would you suggest in such a case as that which you have referred to?—I would suggest, in such a case, that should the masters have a rule to ask the men, in all cases of damage, to make a collection amongst themselves to defray it, I have not the slightest doubt that they would do so.

373. Supposing it were the breaking of a steam-engine from wilful malice, what remedy would you suggest in such a case?—That is a criminal case; that is the very reason why I say it is not fair that 20 should suffer for one.

374. You would consider that an arbitrary act on the part of the master, however great a sufferer he might be, or however great the damages that his establishment might be subject to?—Yes; on the principle that it is wrong to make a man suffer whether he is guilty or not.

375. Mr. *Wise.*] Are you not aware that when any man wilfully breaks the machinery in a factory, he is liable to be sent to the assizes?—I believe he is liable to transportation.

376. *Chairman.*] If I understand rightly, in the first place you consider that strikes are equally injurious to the operatives and to the masters?—Yes.

377. In the next place, your opinion is, that the 5th Geo. 4th, chapter 96, is a totally inoperative enactment?—Yes.

378. In the third place, you are of opinion that equitable Councils of Conciliation established between the masters and workmen would do much good?—Yes.

Martis, 11° *die Martii* 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Viscount Duncan.
Mr. Wise.	Mr. Leveson Gower.
Sir Henry Halford.	Viscount Goderich.
Mr. Booker Blakemore.	Mr. Cobbett.
Mr. Pollard Urquhart.	Mr. Kinnaird.
Mr. Pellatt.	Lord John Manners.

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Mr. *Thomas Winters*, called in; and further Examined.

Mr. *T. Winters.*

11 March 1856.

379. Mr. *B. Blakemore.*] YOU stated the other day that it was intended to modify the plan proposed for the composition of Boards of Conciliation; can you state what modifications you propose to make?—I do not propose to modify the plan which I produced the other day, but the plan proposed in the pamphlet which I handed in to the Committee.

380. Was the plan which you produced the other day that which, on the part of the association to which you belong, you conceive that the operatives would prefer?—Yes; at the same time it is right to state, that it is only my own recommendation; other Members of the Committee probably may offer some modifications of that.

381. How would you propose to deal with masters who should not give in their acquiescence to these Boards; supposing a master declines to submit to these Local Boards, how would you meet that case?—I would suggest that it is better to divide that subject into two parts; first, as to cases appertaining to the future; and next, as to cases in the present and the past. I should propose that cases arising out of lengths, and widths, and qualities, and pieces, that these Boards should have powers similar to those which the justices now have: under the Act of Parliament 5 Geo. 4, c. 96, every workman that is incorporated in that Act has a right now to take these things before a magistrate; but the workman objects to going before a magistrate, and therefore it is proposed to give the workmen by these Boards exactly the same power that they now have through the magistrates; it would do away with much difficulty, and would make the principle applicable to all trades and to all parties; but as respects the future, in cases of agreement, I would leave it to the Board of Conciliation to arbitrate or mediate between the masters and workmen as best they could, not laying down any defined principles to guide them, but leaving it entirely to themselves; if a master thought it would be opposed to his interest to adopt that course, I would leave him in the same position as he was in before; I do not think you can legislate for the future, either as respects wages or anything else, without the consent of both parties.

382. Supposing that a particular trade is carried on in any district, and that an attempt is made to establish a Board of Conciliation in that district, to settle disputes between masters and men engaged in that district in that particular trade; and that a great number of the masters, and a great number of the operatives employed by those masters, agree to bind themselves by the decisions of this court of arbitration and conciliation, but that there are one or two who decline to submit to the decisions of this court of arbitration; how would you propose to bring them within the jurisdiction of this court?—I do not propose to bring them within the jurisdiction of the court; I would leave them as they are. I think the publicity of the fact of any master or body of masters, or of any workman or body of workmen, refusing to submit to these courts, would produce

produce such an effect, that they would not refuse many times; they would not like their names to be published as dissentients, and that might in the end bring that part of the subject into practice.

383. You would not have any compulsory mode of doing so, but would leave it to public opinion?—Just so.

384. Mr. *Wise.*] With reference to the application to a justice of the peace, under the Act of 5 Geo. 4, c. 96, has your attention been drawn to the 13th clause of that Act, which provides, "That as well in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby described," that is to say, by going before a justice, "such agreement shall be valid, and the award and the determination thereon final and conclusive between the parties." Does not this 13th clause almost propose the very course which you are now proposing?—Yes, with this difference, that the workmen and masters do not, I think, as I said before, like the interference of a magistrate, because it appears as if there were something criminal about it.

385. Is it not provided in the 13th clause, that in all cases of dispute, if the parties mutually agree that the matter in dispute "shall be arbitrated and determined in a different mode to the one hereby described," they need not go to a justice at all?—That would be the case.

386. It does not follow as a matter of course that in all cases of dispute you must first go to a justice of the peace?—It does not according to this clause, except in the carrying of it out afterwards.

387. Sir *H. Halford.*] Must there not be a mutual agreement if any other mode than that prescribed by the law is adopted?—There must be.

388. Of course it might be impossible to arrive at such an agreement?—It must be in writing, and according to another section, it is impossible to arrive at it; it has been tried over and over again, and parties cannot be brought together; there is an antipathy on the part of the workmen to go before the magistrates; in this case, as I said before, there is some disgrace attached to it; it looks something like a criminal proceeding; if we could have in these Boards where they are established a power to act in such other matters as are necessary, I think it would give general satisfaction.

389. *Chairman.*] Do you think that the present state of things does not give satisfaction?—I think not.

390. Is that from the circumstance only of the necessity of going before a magistrate, or are there any other circumstances which make it difficult to get redress?—If I were to state a case that came under my own cognisance some short time ago, it would be better understood. It was, I believe, at Kendal in Westmoreland, a linsey-weaver had some dispute with his master, and he referred the case to the magistrates; and not only the particular master interested, but the other masters deemed it a disgrace to them as a body to have one of them brought before a magistrate; the ultimate result was the complete annihilation of that man's position in the town of Kendal. The same state of things exist in other places, and I think even in Kendal at the time, if there had been a Board of this kind, there could not have been the same objection to have had the work arbitrated before a tribunal independent of the justices.

391. Do you mean to say that, under that Act, it could not be done?—I think not; this clause seems to give very great scope to arbitration; but at the close of it, it says, that, supposing any award or determination is agreed to, and the party objects to submit to that award, then the matter has to go to a justice of the peace.

392. Mr. *B. Blakemore.*] In that Kendal case how many persons did the employer employ?—From 50 to 100; I think there are about six manufacturers in Kendal.

393. *Chairman.*] Are there many cases where an employer employs more than 2,000 or 3,000?—Yes.

394. In those cases are there not 2,000, 3,000, or 4,000 operatives against one employer?—Notwithstanding that, the employer has more advantages than the workman.

395. Mr. *Wise.*] What I understand from you is this, that instead of having accidental parties arbitrating between you, you are anxious to have some permanent third party, who would have a recognised position among the working

Mr. *T. Winters.*

11 March 1856.

classes, and standing out, as it were, between the employer and the employed?—Yes.

396. So that it would be a recognised party to whom the workman could appeal as between the employer and the employed?—Yes.

397. Having no interest on either side?—Yes.

398. Mr. *B. Blakemore.*] And you wish to have nothing whatever to do with courts of law?—If we could do that, I think we should be in a better position without the courts of law.

399. Sir *H. Halford.*] In cases which are not cases of arbitration, where a complaint is made by a workman against the master, or by a master against a workman, do you think it is satisfactory that such cases as those should be adjudicated by magistrates who are employers?—I think not; I suppose the question would refer to cases arising out of the law of contracts and agreements and other statutes of that description. In these cases, there is great dissatisfaction in the minds of the people in large mercantile towns against manufacturing magistrates sitting upon the bench to adjudicate in cases of dispute between masters and workmen. They consider that the near relationship between masters and manufacturers, all being customers, as it were, one amongst another, must, to a very great extent, however pure and honourable the intentions of the magistrates may be, to some degree warp their judgments in cases affecting the individual liberty of each workman.

400. Mr. *Wise.*] Are you aware that this Bill excludes all magistrates in the same trade in which a dispute arises from adjudicating upon it?—I am speaking as regards other Acts affecting the workmen. I remember a case which I think is to the point in question, where the complainant was engaged in a particular trade; one of the magistrates was a customer of his; the attorney for the prosecution was the son of the magistrate sitting on the bench; and the general adviser to the magistrates was the private adviser to the complainant. I think, in a case of that kind, it seems an utter impossibility for the men to obtain that justice which they ought to have; and I think that if we had had a stipendiary magistrate, instead of the magistrate saying, before ever the warrant is read, or any proceeding entered into, "You had better agree with your master, and go back to your work, or otherwise we shall commit you," he would have gone into the subject and have dealt fairly. Where cases are brought before stipendiary magistrates between the masters and workmen, the workmen seem to have every confidence in them, while they have not the same amount of confidence in the manufacturing magistrates. I have no complaint against manufacturers being magistrates, or anybody else; but I think, in cases between masters and workmen, it would be better to leave them out of the question as parties to decide between them.

401. Sir *H. Halford.*] Are you aware that there is any restriction by law at present as to the interference of magistrates in trade in disputes between workmen and employers?—In the truck law I know it is so, and also in the Act which was passed in the 8th & 9th of Victoria, called the Ticket Act for the Framework-knitters, and also for the Silk Weavers; and I see that it is so in this Act the 5th Geo. 4, c. 96.

402. Viscount *Duncan.*] Your impression is that in cases of arbitration the decision of a stipendiary magistrate would be more agreeable, both to masters and workmen, than the decision of any justice of the peace?—It would be to the workman; I am not quite so satisfied as to the masters.

403. Mr. *B. Blakemore.*] Are you aware of the great difficulty there would be in the manufacturing and mining districts of getting magistrates who are not in some way or other intimately connected with the trade carried on in the district?—I am aware of that.

404. So that if you carried your scheme out so far, practically it would exclude all persons in the manufacturing and mining districts from the commission of the peace?—I have no desire to exclude them from the commission of the peace, but merely from adjudicating in cases between the masters and workmen, or as in the case before referred to, where the prosecuting attorney's father was on the bench, and the general adviser to the magistrates was the private adviser of the complainant.

405. Is not your object to get somebody or other, whether it be the magistrate or

or the arbitrator, who is totally unconnected with the dispute, to adjudicate upon it?—Yes.

406. You have an objection to the magistrate, because the workman feels it is a slur upon him to go before a magistrate?—Yes.

407. And, therefore, you would rather have a stipendiary arbitrator than a stipendiary magistrate, because the disgrace arising from going before a magistrate would apply, whether the magistrate were stipendiary, or a county or borough magistrate?—Yes. I will mention another case of a similar kind. As soon as the 8th & 9th Victoria, the Ticket Act, which is an amendment of the Arbitration Law, as far as tickets of work are concerned, was passed, there was every difficulty imaginable thrown in the way of carrying that Act into force in those counties to which it referred.

408. Sir *H. Halford.*] Does not the Ticket Act refer to the whole of England?—Yes; but there was every obstacle thrown in the way of its operation in Leicester and Nottingham. Several cases were brought before them; there was not a single case gained, although they seemed clear enough; while the magistrates in the county, who were not influenced probably by the same motives, decided that the Act was practicable, and adjudicated under it, and fined the party for infringing that law.

409. You mean, that the magistrates, being employers, set themselves against the practical operation of that Act?—They did.

410. And it was defeated in consequence of that opposition?—That is one of the reasons; the same thing did not apply to the county justices, because they found that they could act under that Act, and they did act under it, and prosecuted under it.

411. Does not such a state of things as you describe indicate the necessity for some tribunal which should be beyond any suspicion of partiality?—Yes.

412. Mr. *P. Urquhart.*] Were you in this association in the days of the old corporations?—No; the reform of the corporations was before the establishment of this society by some eleven years.

413. Has not this society been in existence since 1830?—No, in 1845; I think the reform of the corporations took place in 1835, or somewhere about that.

414. Do you know what the state of the working classes was before the reform of the corporations?—Yes; I was a workman then myself.

415. Do not you think that there was less uncertainty of employment before the reform of corporations, than there has been since?—No, I do not.

416. Do not you think the proportion of supply to demand was more constant than it is now, though, perhaps, their wages might not have been so high?—No, I think not; the same number of persons were employed before that reform as after it.

417. Do not you think that strikes were less frequent then than they are now?—No. I know that some of the strikes before that time cost as much as 600,000 *l.* or 700,000 *l.* in money and loss of time. The strikes were quite as severe before the law was passed repealing the Combination Acts, as they have been since.

418. Do you think that, in the days of the old corporations, the masters and workmen knew more of one another personally than they do now?—I am not aware of that. There must be this difference, that before the large introduction of machinery, when the workmen were distributed, and had their work in their own rooms and in their own houses, they went direct to their employers; at that time there would not be the same causes, probably, for strikes that there are now; but now the workmen are congregated together in large factories and large districts, and it is almost impossible to bring the masters and workmen together; and as there is a want of sympathy between them, as I said before, the intermediate bodies, such as middle-men, as they are called in some trades, sub-contractors, charter-masters, chamber-masters, sweaters, and so forth, are great grievances; and I think the more you can bring them together, the better it will be for all parties. Taking the number of the population, and the state of trade at the time, before the Municipal Corporations Act, I do not know but what there were as many strikes before as now.

419. Was there the same uncertainty of employment then as there is now?—Yes.

420. Mr. *Wise.*] Do not you think the best remedy for strikes would be a

Mr. *T. Winters.*

11 March 1856.

better knowledge of the laws upon which the condition of the workpeople depends?—If the diffusion of knowledge of the laws and a good sound education could be given to the people, it would be an excellent means of learning them to be independent.

421. Mr. *P. Urquhart.*] You said on Thursday, that, generally speaking, a working man did not easily change either his trade or his place of abode; do you think that the Law of Settlement has a tendency to prevent that?—No, I do not think the workmen know anything about the Law of Settlement; they are willing to find employment where it is to be got; but in general they are wedded to a place, and they are found to stop there as long as they possibly can, except in the case of a few trades who are inclined to tramp, and persons who can get work in almost every town. But if there is 100, or 200, or 300 miles between one place, where work of a particular sort can be got, and another, people do not like to go that distance upon speculation.

422. Mr. *A. Pellatt.*] Are you aware that the printers' arbitration committee for avoiding trade disputes in courts of law, has been in existence for some years?—Yes; but I think they have only been induced to adopt a regular set of rules last January.

423. Have you seen their rules?—Yes, I put them in evidence last Thursday.

424. Do you approve of them?—Yes, I do.

425. Mr. *P. Urquhart.*] Do you know anything of the state of the working classes of America?—No more than from correspondence with parties in America.

426. Are you aware that workmen change their trade more frequently there than in England?—I have not heard that; I think there would be the same physical difficulties there that exist here in that respect; I think it would be impossible for an engineer to turn tailor very quickly, or for a shoemaker to become anything else.

427. Mr. *B. Blakemore.*] Have not you stated that there is a natural feeling of deference and respect felt by the operative towards his master, whether it be on a large scale or a small scale?—There is.

428. Is there not a tendency among the lower orders to treat their employers with respect?—Yes.

429. Is one of your great objects to bring about frequent communications on matters mutually interesting and important between the employers and the employed?—Yes.

430. If a disagreement arises between men and their employers, is there anything to prevent a respectable requisition being signed, and presented to the master, stating the particular grievance, and asking him for the liberty to discuss the subject with him?—There ought not to be; but I have known cases where that plan has been adopted, and the two or three persons whose names have been attached first to that requisition have lost their employment. We frequently hear of workmen, when they send in their requisitions, or whatever they may have to present, signing their names in a round-robbin, as it is called, in order to prevent the master knowing who signed first.

431. Is that so general as to prevent the practicability of such requisitions?—I do not think it is a general case.

432. Is such a requisition so commonly followed by a discharge as to prevent their general adoption?—I have known, in some trades, where the names of parties who signed such requisitions have been sent to every part of the country, by the masters, and to every workshop in the trade; that was in the glass trade.

433. Was that in order to prevent the men being employed by other manufacturers?—Yes, that was the object.

434. They were discharged by the master to whom they forwarded the application, and their names were posted to prevent their obtaining employment elsewhere?—Yes; their names were posted through the country.

435. Was that done in order to deter workmen from adopting such a course in future?—Yes; and they took the advice of a legal gentleman; and I submitted the same paper to the present Lord Chancellor a couple of years ago.

436. Mr. *Pellatt.*] What branch of manufactures was that?—That was in Manchester; Mr. Percival was one of the manufacturers who did it.

437. That was in the flint glass trade?—Yes; Mr. Percival was one, and Mr. Molineux another.

438. Have

438. Have not the men also in this trade a union of their own?—Yes, they have.

439. Had not they the same system also of keeping men away from particular houses of employment?—It is their rule, I believe, if a master does not give the recognised wages, to support the man rather than they should go to work with him.

440. If a particular place were vacant in a particular house, such as the Messrs. Molineux, they would prevent a workman from applying there?—No, they would not prevent him, they might try to induce him not to go.

441. Is it not the fact that these parties are annoying each other, the masters with their union, and the workmen with their union?—Yes, they all have unions.

442. Does not it seem to require a new legislative arbitration system, in order to avoid that evil?—Yes. Speaking of masters' unions, I can mention a case which I know to be a fact, because I was living in the same neighbourhood at the time it took place: there was a workmen's shop where the workmen had agreed to manufacture their own goods, because they could not agree with the master, since he would not give the price they required, and therefore they established a shop of their own; it was in the basket trade; and amongst the masters' rules they stated, "That the United Society of Journeymen Basketmakers resorted to an expedient at once dishonourable and unjust in the late strike at Wolverhampton: at that town a demand was made for a considerable advance in the rate of wages; this the masters refused to give; to effect their purpose the Journeymen's Society supplied, and are now supplying with material, a shop designated a 'Beehive.'" The masters agreed to put down 500*l.* or 1,000*l.* for the purpose of underselling this shop, to drive the men out of the market; and as far as unions are concerned, I think they stand on a level, both masters and workmen.

443. *Chairman.*] What was the result of that resolution on the part of the masters?—The result in this case was the breaking up of the workmen's shop, but not the breaking up of their society.

444. What year was that?—In 1846. There was another masters' society established in the same year, the Society of Master Paper-stainers of London, and this seems to have a different object altogether, with the exception of the first clause; the rest of their rules is occupied with regulations about furnishing the trade with patterns, which seem to be similar to the French system; the same is the case with the frame-work knitters of Nottingham, and a variety of other places. The masters' associations at Manchester, Glossop, and other towns, all have their societies; and I very well remember, two years ago, that Mr. Geach, when he was living, stated that all the masters had societies, and it was no use disputing the fact. He stated that, I believe, in his place in Parliament.

445. Mr. *B. Blakemore.*] Is not a strike often considered by the workmen as a beneficial measure to them?—Yes.

446. And would they not wish to retain the power of joining in strikes if they thought fit?—You may depend upon it they will never give up their right to combine.

447. *Chairman.*] Is not the great object which we have in forming these councils of arbitration to mitigate that evil?—Yes.

448. Mr. *B. Blakemore.*] Is it your opinion that the interests of masters and workmen are considered so irreconcilable that it is impossible for them to settle their disputes under certain circumstances, and that therefore it is desirable to have courts of arbitration to settle them?—Yes, courts of conciliation and arbitration; I should recommend that as advisable for the purpose of mitigating the evils arising out of strikes.

449. Sir *H. Halford.*] In the manufactures with which you are particularly acquainted, the hosiery manufactures, is not the relation between masters and workmen so complicated by the intervention of third parties as to make it very difficult for a workman to appeal to his employer?—I hold that in these trades the employer is the middleman; there is no connexion at all between the real manufacturer and the veritable workman; and the same is the case in other trades; in all cases there are sub-contractors; it applies to all trades.

450. Mr. *B. Blakemore.*] Do you mean to say that in the case of non-payment of wages or breach of contract on the part of the masters, the workmen could not

Mr. T. Winters.

11 March 1856.

not reach their employers?—Not unless the intermediate party was the absolute servant of the employer; but in this case he is not.

451. Sir *H. Halford.*] Would you lay it down as a general rule that there is always a middleman between the masters and the operatives?—Certainly, in many trades there is a middleman under one name or another.

452. So that if the workman were to apply to his original employer, he would be referred in many instances to the middleman?—Yes; and on that point all workmen consider that if a road could be found to bring them direct to the employer instead of having to go through middlemen (that is to say, contractors, or whatever they may be called), it would improve their condition very much.

453. *Chairman.*] Would it prevent strikes?—It would prevent a great deal of unpleasantness, and bring the masters and men more frequently together.

454. How do you suggest that that object should be attained?—By establishing these Boards of Conciliation and Arbitration, which would eventually bring masters and workmen closer together; they would then understand each other's views and sentiments much better than they do now.

455. Mr. *L. Gower.*] If I understand your evidence rightly, you propose as respects the future, "If both masters and men agree in writing to come before the Board for them to conciliate them, or arbitrate between them upon the case or cases at issue, then the Board should have full power to make such award as might to them seem right and just; and such award should have all the force of law for the period agreed to, and be binding on both parties for that time;" with reference to future arrangements, would you make such arrangements binding upon the parties?—It may be impossible to enter into a written contract to specify every little nicety that may be required; but if the masters and men agree to come before a Board of that sort, whatever is agreed to between them should be binding upon both parties, say for a week or a month, or two months, particularly if it is a question of wages. Suppose, for example, that the men want an advance of wages, and the master says, "I cannot give so much as you ask;" there is a probability that they might make some arrangements that would be equal to granting the advance if the men would accept of it; the result would be, they would go before this Board, which would have no power to enforce its decisions upon questions of this sort unless by consent of both parties. But if it can be shown to the men that the master's proposal is a reasonable one, which would benefit them, and they say, "We will agree to this for a month or two" (or whatever period it may be), I think that during that time it should be looked upon as a contract between the several parties, who must be bound by the arrangement.

456. Supposing that, in that case, the workmen were to strike the next day, or the master were to turn off the workmen, what remedy would you propose; take the case of a strike; if they were to strike, what remedy would the master have against the workmen?—I think the general good sense of the workmen would lead them to refuse giving any assistance or support to parties taking that course; and, I think, the same would apply to the masters.

457. How can such an award have all the force of law?—It can only have the force of law in respect of contracts.

458. As to any future arrangement it must be entirely voluntary?—Just so.

459. Mr. *Wise.*] Do not you think that the more a man's reason is appealed to, the more likely he is to come to a fair and honourable settlement of the question in dispute?—Yes.

460. Mr. *A. Pellatt.*] What kind of arrangements are there now between masters and workmen in any particular branches of trade that you may be acquainted with?—Some are by the piece; some by the week; some are for long jobs; and some are of this description, the master says, "I will give you the same that other people are giving in the town for a certain time," or "I will give you the same that other men in this manufacture receive;" and in other cases the sums are specified upon the agreements; some workmen are dismissible upon a week's notice, and some upon a month's notice. I have known agreements varying from a week to four or five years.

461. Do not all kinds of disputes arise upon these agreements?—Yes; and as respects the qualities of the work, if they take out a piece of work at a certain price, they expect that price on the Saturday. If on the Saturday the master says, "This work is not made in accordance with what I expected; I shall take off 5 per cent. or 20 per cent. from the price of these goods," I would

would give them the power of immediately referring to a Board of practical men to settle that matter there and then, without any more trouble.

462. Mr. *B. Blakemore.*] I take it for granted, from the active part which you take in these things, that you consider that in the present relation between masters and men, these trade unions are essentially necessary for the due protection of the workmen?—Yes, I do.

463. Is there a better understanding between the employers and employed where these trade unions do exist, than where they do not?—Giving my own opinion, I think it is the same in one place as another, so far as my own experience goes. I will take the Preston strike; there was no society at all there, except the spinners'; not the slightest idea of any society. Their union arose under the circumstances of the case; I believe that had there been a society in Preston at the time, with anything like principles, that strike would have been avoided. Again, in Leicestershire, which I know probably as well as any county in England, there are no societies there now; there have not been for many years; but there are strikes there almost every week in the year.

464. Sir *H. Halford.*] Is there a society in Nottinghamshire?—There was one, two or three years ago, but it is broken up now.

465. Is not it the fact that the complaints in Nottinghamshire have less foundation than they have in Leicestershire?—Yes; but that arises from the difference in their mode of operation; they make the deductions in Nottinghamshire in a manner which is less objectionable than that in Leicestershire.

466. Do you think that that difference is to be ascribed in any degree to the interference of the committees on the part of the workmen?—No, I think not; that difference arises from the custom of the locality; they are guided more by custom than anything else; there was a great strike there some years ago, and I knew the masters' secretary as well as I knew the men's secretary, and I wrote a letter to them, which appeared in one of the Nottingham papers at the time, advising them to appoint a Board of Arbitration for the purpose of settling the difference; and one was appointed, I believe, upon that recommendation, which consisted of the minister of the church of Bulwell, and two or three other gentlemen; and I believe they settled it.

467. Viscount *Goderich.*] To the satisfaction of both parties?—It was not settled to the satisfaction of both parties; it was not settled so satisfactorily to the men as they could have desired; but as I learnt from the secretary, they were obliged to submit to it.

468. *Chairman.*] Do you consider that that arbitration prevented a strike?—There was a strike before that arbitration was commenced; it had been going on for a long time, but that arbitration stopped it.

469. Lord *J. Manners.*] Was the strike resumed afterwards?—I think it lasted about a week or so afterwards.

470. Do you mean to say that the good feeling lasted a week or two, and that the strike was afterwards resumed?—It was a week before the men thoroughly gave in; they were not perfectly satisfied as to the award that was given; but I think it had the effect of destroying the sympathy of other classes who were voluntarily giving them support, and so terminated the strike.

471. After the strike had terminated, did it break out again shortly or not?—I think not; I have never heard from the masters or the men that it did.

472. Mr. *B. Blakemore.*] Are you quite sure that in the case of Preston, there was no union amongst the workmen employed, and that they were not connected with the union of which you are the corresponding secretary, or with any other trades union?—No; the weavers, who formed the great body of the workmen who struck, were not formed into a society of their own, nor were they connected with any party, or with any society.

473. Did not they raise funds for each other's support whilst they stood out?—Yes; they appealed to the country generally, and trades societies, and workmen who were not in trades societies, and independent gentlemen, and others; all contributed, more or less.

474. Did they raise a large sum?—Yes.

475. Then the collections made on behalf of the workmen on strike were by voluntary contributions, apart from any system of solicitation or impressment on the part of members connected with any unions or societies?—Yes, every penny of it.

476. Mr. *Wise.*] Was there not a general appeal on their behalf to all the

Mr. *T. Winters.*

11 March 1856.

manufacturing districts?—Yes; to all the manufacturing districts throughout the country.

477. Viscount *Goderich.*] Were they not supported by subscriptions from other trades' unions?—Yes.

478. *Chairman.*] What do you think was lost by the Preston strike, both to masters and to workmen?—I have made out a statement upon that subject since I was here on Thursday, which is as follows:—"In Preston and the neighbourhood there were 61 mills closed, of 2,400 horse-power; 1,000,000 spindles, producing 800,000 lbs. weekly of 32*s.* yarn, and 20,000 looms, suspending a production equal to 90,000 pieces of India shirtings, $8\frac{1}{4}$ lbs. each. The number of hands out of work were 25,000; their average weekly earnings, when employed, was 12,000*l.* At Wigan and Hindley there were 25 mills closed, of 1,300 horse-power, 400,000 spindles, and 1,800 looms. The number of hands out of work were 7,500, and their weekly earnings were 2,000*l.* At Burnley and Padiham there were 58 mills closed, of 2,300 horse-power, 510,086 spindles, and 12,067 looms. The hands out of work were 12,000; their weekly earnings were 5,800*l.* At Bacup there were 36 mills closed, of 1,400 horse-power, 300,000 spindles, 8,000 looms. The persons out of work were 8,600; and their weekly earnings were 5,000*l.*

479. Will you state the total amount of loss?—In addition to Bolton and Bury, Newtownheath and Manchester, and some other places of smaller moment, the sum total of the mills closed was 180, the number of looms thrown out of work was 42,867, the number of persons out of work was 53,100, and the loss of weekly wages was 24,800*l.* At Preston the strike continued for 35 weeks; the money cost of that strike was 100,000*l.*, and the loss of wages, at the rate calculated above, was 420,000*l.*; making a total loss of 520,000*l.* at Preston during that time.

480. Does that include the loss incurred by the masters?—No; that includes only the loss incurred by the men.

481. What do you calculate the loss incurred by the masters to be?—I have no means of calculating that.

482. Lord *J. Manners.*] Have you had any check or confirmation of the estimate you have there made?—I took it at the time.

483. Is it your own estimate?—No; it is taken from papers which were drawn up at the time; at the same time, I may say that there were something like 4,500 colliers out of work at Wigan.

484. *Chairman.*] That statement only includes the loss incurred by the workmen?—That only includes the loss incurred by the workmen; it does not include that incurred by the masters; we have no means of knowing that.

485. Mr. *B. Blakemore.*] What is your opinion as to the effect of trades associations in preventing riotous outbreaks?—I think, from my own experience, that wherever in any district there has been an organised trade society, there has been no rioting, or disturbance of any sort. In other places where there has been rioting, such as Wigan, there were no societies. The miners at Wigan were in no society at all previous to that time, and when they were out on strike, they went about collecting money, just in the same manner as the Preston operatives did.

486. Was there any rioting at Preston during the whole time of the strike there?—No; but there was at Wigan, at the same period.

487. Was the Riot Act read at Wigan?—There were some persons sent to prison there; I am not positive whether the Riot Act was read, but I know that some persons were wounded, and some buildings were thrown down.

488. Viscount *Goderich.*] Are not the Wigan colliers an entirely distinct body from the Preston operatives?—Yes, they are; and these parties were not in the society; I have not known of a single case for many years in the trades' societies where there has been anything like violence or intimidation used.

489. Mr. *P. Urquhart.*] Did any trades' societies exist in the year 1842, when there was a general rising in the manufacturing districts?—There were some; but there were a great many parties who were not in society. I was speaking of organised societies.

490. Do you think that in that year, where the men were in a united society, they did not make any riotous insurrection?—I do not know of one instance in which they did.

491. Did

491. Did not they make a riot at Manchester?—At Manchester there was a strike, but that was not a trade's affair; it was a political question; if I remember correctly, there was a political conference being held at Manchester, and they published some placards, and induced a great number of people to leave their employments; but it was not a trade's affair.

492. Lord *J. Manners.*] Was there not in 1842 a general rising of the trades?—Yes, there was; there was some rioting in Staffordshire, but that was among men who were not in society.

493. Mr. *Kinnaird.*] In the strike of the colliers at Wigan, to which you have alluded, was there any combination of the workmen?—No; there was no understanding at all between them.

494. Were they not represented by a committee like yourselves?—They established a committee at the time; but it was on the spur of the moment; they had no committee previous to that.

495. After the committee was formed, did it communicate with your committee?—Not in the slightest degree.

496. Under these circumstances, is it not the custom for different trades, striking at the same time, to combine together?—No; if the parties who are out on strike can show anything like a case, if they can show that they have been ill-used, they get the sympathy of other people; but I think that any person connected with trades' societies would consider it a very dangerous step to go in amongst them.

497. How was the sympathy to which you refer shown; was there any collection on their behalf?—Yes, the sympathy was shown by collecting money for them. The Wigan colliers sent out a deputation into Cheshire, and into parts of Lancashire, to meetings, and to private houses, to ask them to give them what they could, and that is all they have done in the matter. There is no other correspondence, nor any other mode than that adopted for promoting their objects.

498. Have you known of any case among the strikes with which you are cognizant of one trade calling upon another trade to strike at the same time, with the view of obtaining a general object?—No, I am not. The year 1853 was a general year for strikes; there seemed to be, in fact, almost a mania at that time. What was the cause of it, I am sure I cannot tell; and I have not seen any one at present that can tell; but there were strikes in almost every town, whether the workmen were in society or out of society; I think that there were more strikes among those out of society than among those in society.

499. Mr. *A. Pellatt.*] How much per week is each workman who belongs to a well-organised union called upon to pay?—The average, in the association to which I belong, would be 2*d.* per week.

500. Is the subscription in any case allowed to press upon the workman in such a way as to make him complain?—During the whole existence of the association from its commencement, I have never had to ask any one out of our own circle for anything.

501. Do you know anything of the glass-makers' union at Bolton?—I know their secretary.

502. What has been their usual weekly contribution?—The objects of their society are different from those of ours. They support things which we do not. There are some societies where they pay 6*d.* or 1*s.* a week; it depends upon circumstances.

503. Do you know any associations in the country where the contribution is higher still?—I have known some. I have known the boiler-makers to be higher. They allow persons so much in cases of accident, and for arbitration purposes, and so on; they included other objects.

504. What is the highest amount you have known of as being subscribed by members of these societies?—The highest I have known of for any time was 2*s.* 9*d.* a week.

505. Mr. *P. Urquhart.*] You said the other day, that some of the workmen had small capital of their own, in the shape of tools, and in other ways; do you think that if there were means for investing that small capital in the master's business on the limited liability principle, many workmen would avail themselves of them?—I think it would be done, if, as a matter of course, they could take a share of the profits arising from it.

Mr. *T. Winters.*

11 March 1856.

506. Do you not think that there would then be a still greater necessity for councils of arbitration, in order to avoid difficulties about sharing the profits?—Yes, that would be embraced in my idea of these councils. I was talking the other day with Sir Joshua Walmsley, and he said that when he resided in Liverpool he has had as many as five or six cases of arbitration in a day, upon qualities and quantities, and so on. These cases would have cost these persons many hundreds of pounds if they had gone to law upon them; but they being better informed than the generality of the working classes, they adopted a wiser course.

507 *Chairman.*] Do not you think that those cases are of very great importance, in which there is any dispute between workmen and masters as to patterns?—If there were any easier mode of registering designs of patterns, it would give greater facilities to the workmen than they at present possess; a large number of designs that are brought out in different manufactories are in reality brought out by the workmen themselves; but as they have no power of reaping advantage from them, they are compelled to hand them over to other parties.

508. Mr. *B. Blakemore.*] Would this object be effected by councils of conciliation?—It would, if these councils were invested with power to register patterns, and to decide upon them. I know that in the japan and other trades there are very great complaints between different manufacturers of one robbing another of his designs.

509. *Chairman.*] What remedy has the manufacturer now against any one who uses his invention?—There is no remedy, except by applying to the Lord Chancellor for an injunction.

510. Is not that an expensive process?—Yes, very expensive. I wish to put in the opinion of the carpet weavers of the north of England, signed by various workmen, as chairmen of different establishments, upon the benefits derived from arbitration. I might also state, that since I was here on Thursday I have had several communications from different parts of the country, all approving of what I have proposed, and expressing a hope that the Committee may be able to devise a plan for the settlement of disputes between masters and workmen in all cases.

Vide Appendix.

511. Will you hand in the paper you have referred to?—[*The same was delivered in.*]

Mr. *Edward Humphries*, called in; and Examined.

Mr. *E. Humphries.*

512. *Chairman.*] WHAT situation do you hold in relation to the subject-matter of this inquiry?—I am a Member of the Committee of the National Association of United Trades, of which Mr. Winters is the secretary.

513. Do you receive any salary?—Yes; I am permanently employed.

514. Is there anything you wish to state as to the mode of operation of the society?—I can only confirm what Mr. Winters has gone into so fully, as to the general mode of operation, and the almost certainty of success which usually attend that mode. It is more frequently at the request of the men we adjudicate, or rather arbitrate upon disputed points arising between the masters and workmen. We have invariably found that such a mode of procedure has a very salutary tendency, and allays a great amount of angry feeling, and in many cases prevents strikes and turn outs, which are attended with such evil consequences to both masters and workmen. As Mr. Winters has stated, the society has been in existence for 11 years, and during that time we have had some hundreds of cases submitted to our consideration, principally by the workmen, but in some instances by the masters themselves; and I may say, though I have not made the calculation, that upon the whole at least 75 per cent. of the cases in which we have been called upon to render advice and assistance have been amicably and satisfactorily adjusted. There are in some cases disputes arising from very trivial circumstances, and those disputes, by being taken at the time and investigated, are susceptible of a better and readier termination than when they grow to larger proportions; but it is these small trivial things accumulating which lead to general and protracted strikes; and when they assume so formidable an aspect, they then become very serious in their results; so that the principle of arbitration, as far as we have had experience of it in settling disputes between employers and employed, has been of the most

most satisfactory and successful nature. We have had, as I say, many cases of this sort; I might furnish the Committee with a few of those cases; but I think that the number which Mr. Winters submitted to the Committee are sufficient to show that the thing is not only practicable, but that it is, and has been, eminently successful; and therefore it would only be wasting the time of the Committee to enter into further cases illustrative of the success of our mode of operation.

515. Do you think that the system of arbitration would be agreeable to the workmen?—I have not the slightest doubt as to the system being acceptable to the working men, for in many cases they propose it; in fact, most societies in the country make it the invariable rule, when a dispute occurs, to endeavour to have it settled by arbitration. With regard to the Preston strike, which has been referred to already, I may just state the opinion of the workman's committee after the termination of that strike, which cost so much money and inflicted so much distress. This is a review of the contest taken by the men at a time when we may consider that the excitement had subsided, and they were able to look with a calm and dispassionate judgment upon the errors which had been committed by themselves and by others.

516. Mr. *B. Blakemore.*] What is that paper to which you are about to refer?—It is a paper issued by the committee of the operatives as the final report of their proceedings.

517. *Chairman.*] What is the date of it?—The strike lasted from 29th August 1853 to 22d March 1854, so that the date of this paper would be March 1854; it is a sort of report of the whole proceedings, with a final statement of the cost of the strike to the different branches of the trade. They paid away money in its progress to the amount of 100,000*l.* They say this: "The contest is now over, and no doubt some things have been written and spoken which would have been quite as well if they had remained in the heads that conceived them. Notwithstanding all that the newspapers have said and the masters' agents reiterated, *ad nauseam*, about parties who were 'interested in a continuance of the strike,' we venture to assert the contrary; and now that the storm has subsided, and a calm has supervened, may we not now ask, 'Is there no way of settling disputes between employers and employed, except by the barbarous intervention of a strike?' A cessation from labour without the mutual consent of both parties, shows a want of reason somewhere, and were the parties who dispute prepared to submit their claims to arbitration, we fancy strikes would be like angels' visits, 'few, and far between.' We see no real remedy for so grievous an evil as a whole population like Preston thrown on the streets; all industrial operations at an end; the worst feelings of masters, men, women, and children roused against each other, where love, harmony, and mutual respect ought to exist; except by the establishment of Boards of Arbitration, similar to those existing in France, and which have operated so advantageously to all concerned. An evil exists amongst us which demands a remedy, and if, after the numerous offers made by the operatives to establish Boards of Arbitration to settle disputes, those offers are still refused, and the *statu quo* still kept in existence, it will be evident who are to blame if we should again see another scourge amongst us similar to the one at Preston." I believe that the feeling expressed in this paper is reciprocated by most of the trades in the country.

518. Is a similar feeling experienced by the masters?—The masters, in some trades, have evinced such a feeling; I believe it was so among the carpet weavers; and among the silk weavers of London the masters agreed, some time ago, to a proposition of that kind, and signed their names to it.

519. Mr. *Wise.*] Do you know whether or not, before that strike took place, the operatives themselves made any attempt to have the dispute settled by arbitration?—Yes, I believe they did; that is to say, before the "lock-out." There were some minor strikes at a few mills for the 10 per cent. advance which had been deducted in 1847; and during those minor strikes, 37 of the masters agreed to close their mills within a month if the men at those mills on strike did not resume their work. During that time the men proposed an arbitration, and they proposed to refer their case to the masters. I have here the proposition, printed on a very large placard, but I can give it in fewer words than they used.

Mr. *E. Humphries.*

11 March 1856.

520. Mr. *Cobbett.*] What was the date of that?—November the 12th, 1853. Their proposal was, "'First, that the masters meet a deputation of their own hands,'" without bringing in the intervention of third parties, "'to discuss and arrange the difference, where any existed; or, second, if that did not meet their view, to submit it to arbitration by respectable and experienced gentlemen unconnected with the trade; and if that would not do, we asked them to make a proposal, and if based on equity, we pledged ourselves to accept it.' The only answer received was, that the associated masters did not recognise the committee." I believe they proposed that Mr. Townley Parker, one of the Members for Preston, should be the chairman of the Board of Arbitration. Therefore, before the strike commenced, they offered to submit their case to arbitration. They said, "What we ask is an advance of wages; if the masters cannot give that advance, and they will meet us, and show that they cannot afford to do so, we are willing to forego our demands."

521. Mr. *Wise.*] Was not the feeling in the town of Preston upon the subject of arbitration so strong, that the inhabitants appointed what was called a committee of mediators, with the view of settling the differences which had occurred?—That was a committee appointed at a public meeting, apart from the operatives, for that purpose. It was during the continuance of the strike.

522. Mr. *Cobbett.*] Was that meeting held after the time you have just referred to, when the men themselves offered to refer the terms in dispute to arbitration?—Yes; that was in April; the strike took place in September. I must state that the masters declined to accept the offer of the committee of mediation, which the inhabitants appointed at the meeting convened in the theatre for the purpose. The committee was under the presidency of the Vicar of Preston, and he himself interposed with the masters, with the view of bringing the strike to an amicable termination; but the masters refused to acknowledge any other parties, and declined the kind services proffered by the inhabitants of the town. The townspeople felt that they were very much interested in the settlement of that dispute, as the tradesmen were suffering very considerably through the diminution of their trade. I may just state, that this committee, after reviewing the case, concluded their report with these words: "Whether in law the maxim be sound or the reverse, it evidently is so in equity and common sense. Now, the skill, industry, and capital of classes unconnected with this dispute are materially damaged and depreciated by it; and they, in the opinion of the mediation committee, have a perfect right to use all legitimate means in defence of their property, even to the extent of applying to Parliament for powers to do what our chivalrous allies, the French, are, under similar circumstances, in the habit of doing; namely, to make the settlement of this dispute compulsory." That was the view of the townspeople during the continuance of the strike which they were endeavouring to bring to a close.

523. Viscount *Goderich.*] Do you suppose that the author of that document imagined that the *Conseil de Prud'hommes* in France would be able to settle a dispute of that nature compulsorily?—I cannot tell what was their feeling, but it was evidently in their mind that the institution of some such Board in this country would have a tendency to prevent the recurrence of strikes and turn-outs, at least of such magnitude as that at Preston; whether it might have been applicable in that case or not, I cannot tell.

524. Are you aware that these Councils in France do not settle by compulsion questions relating to the rate of wages?—Yes; but I do not understand the applicability of that law; I think that even where the question relates to wages, something might be done by Boards of Arbitration, although they could not fix the future rate of wages, because that is a source of constant disputes between masters and workmen.

525. Viscount *Duncan.*] Do you suppose that the rate of wages could be settled by compulsion?—No; I do not think that the Board could settle them, but I think the masters and men should settle them; it is the custom in all trades for the masters and men to arrange the price lists; there are price lists fixed, and some of those lists have remained for a continuous number of years without any alteration; therefore, I do not think the idea of fixing the price of labour is so complicated and difficult a matter as some imagine, because we find it is done every day.

526. Mr. *B. Blakemore.*] It is done where the parties mutually consent?—They fix it mutually between themselves.

527. Mr. *Wise.*] Is it not the fact, that under the present Act of Parliament the price of labour may be fixed by the mutual consent of both parties?—They may do that by mutual consent. I know that in my own trade, the potting trade, wages are fixed for a period of 12 months beforehand.

528. Viscount *Duncan.*] By an understanding between the masters and the men?—By an understanding between the masters and the men; not by any Board.

529. *Chairman.*] You have stated, that strikes are injurious to the men, and also to the masters; are they also injurious to the town in which they take place?—Yes; I said they were most injurious; especially to the small tradesmen of the town, the withdrawing of three-fourths of the only money in circulation, naturally has a tendency to depress the trade, and does them considerable injury; in fact, it brings ruin and bankruptcy upon scores of people that have nothing whatever to do with the strike.

530 So that strikes injure the masters, workmen, and tradespeople of the town?—There is no benefit accruing to any one from them; the injury is universal, though more severely felt, perhaps, by one class than by another.

531. Does a strike in one trade ever injure those concerned in another trade?—Yes; a strike in a trade that is depending in a great measure for its materials upon another trade will injure both the trades. I will state a case which will put it more clearly. Take the potting trade: now a strike among the miners with which the potters have nothing, or could not have anything whatever to do, would throw out of employment, if the strike was protracted, the whole of the potters in that district, inasmuch as large quantities of coal are consumed in potting industry; and any failing of the potting trade by the stoppage of the supply of coals, would necessarily throw out the whole of those parties, although they had nothing whatever to do with the strike in one shape or another. But even in the trade itself, one branch leaving their work on strike would have a very great tendency to throw out the whole of the men engaged in the trade, because they work into one another's hands. So that they cannot proceed unless the whole are at work; it is a sort of clock-work, if one wheel gets out of order, the whole stops.

532. Mr. *Wise.*] Will you state to the Committee how many different departments there are in the pottery districts, which, if one portion of the trade chose to strike, would all be thrown out of work?—I should say with reference to the potting trade itself, that one branch would throw out five or six and twenty others; perhaps there are more than that. I should think there are 30 different processes through which the article passes, before it comes into the market; each employing a different branch of the trade so distinct from the others, that men who have served their time to one, cannot do the work of the others.

533. Taking the district with which you are best acquainted; if the miners in the Staffordshire potteries chose to cease labour, how many operatives would be thrown out of employment in that county alone?—I should think there would be 10,000 people thrown out of employment in the potting branch alone, by a strike of that sort. In that district a strike would not be so bad as formerly, because they have a railway, and they might bring coals by that. But that at least would be the effect of a strike in the collieries, in throwing out of employment that large number of people, and I may be considerably under the mark.

534. Is it your opinion that to such a district as this, courts of conciliation would be especially applicable?—They would; in fact I might almost say that such courts, especially among the manufacturers, are in existence; they are not exactly such courts as I would suggest, but there are agreements made between the masters and the men, that all disputes arising upon that agreement, and even on wages; questions referring to new articles introduced, or new patterns, or any thing of that sort, where they cannot agree as to the prices to be paid, are submitted to a Board of Arbitration at the present time; and I may state, that this Board is the proposition of the masters themselves. About five years ago they established what is termed a chamber of commerce; it is a union of the masters; and at this chamber of commerce they proposed this agreement, which was submitted to the men, and agreed to by them. Although it is not so mutual

Mr. *E. Humphries.*

11 March 1856.

that it might not be improved, it was accepted for want of a better; and I believe works generally very satisfactorily.

535. Viscount *Duncan.*] What district are you speaking of?—I am speaking of the Staffordshire Potteries, where there are very large masters.

536. *Chairman.*] Does this chamber of commerce decide about patterns?—It does; not about the nature of the pattern, but the wages to be paid for any new pattern introduced.

537. Mr. *B. Blakemore.*] Has not a turn-out or a strike this effect, whether there exists a union or not; that if the workmen in any particular branch of manufactory turn out for wages, no other workmen dare offer to take their places?—I should not say that they dare not do so, because it is done.

538. Are they allowed to pursue their work without molestation or threatening?—I do not know that molestation is carried on; I do not know what molestation is; for what has been considered as molestation by one, would not be considered so by another; a wink or a nod is considered molestation by some men.

539. Supposing the workmen in any manufacture were to turn out on giving notice of an application for an advance of wages, until the question is settled between the masters and the men, would other workmen take their places in the event of their leaving their employment?—They have done so.

540. Has it been generally done?—I do not know that it has been done generally, although individuals might do it; but unless the masters succeed, especially in some establishments, in getting a full complement of men, it would not pay them to get isolated individuals, and I do not think men in bodies would go to supersede their fellow-men, who were engaged in defending what they considered an important and vital principle connected with their interests.

541. I do not speak of any active molestation; but is there not such a passive influence brought to bear upon persons employed in those branches of manufacture, that if they went to fill the places of those who had signified a desire for higher wages, they would be greatly molested?—We should advise the people who were going to take their places not to do so.

542. Is that carried to such an extent as to keep the masters in check?—Where the men are organised, and where foreigners are introduced to take their places, they might advise them, by explaining the state of the trade, and why the manufactory was closed. They might advise them to go away, and, perhaps, pay them their expenses home.

543. When you speak of foreigners, do you mean persons not engaged in the town?—Yes; people from other parts of the country.

544. To return to the Preston strike; you said, just now, that the masters completely held the operatives at arms' length?—Yes.

545. Was there any masters' association in existence before the strike, or was it formed upon the occasion of the strike?—I believe that the master cotton-spinners have what they call a chamber of commerce in Manchester; but the particular kind of organisation for the support of the masters at Preston was formed for that occasion. They made contributions among themselves to reimburse the Preston masters, so as to enable them to sustain the losses they incurred during the strike.

546. Did the masters' association grow out of the strike?—That part of it did.

547. Does that chamber of commerce act as an association of masters?—It did not act in that capacity.

548. Does that chamber of commerce at Manchester consist simply of master manufacturers?—I think it does.

549. Are there any professional men connected with it?—It is not held in the reading-room, for any party may become a subscriber to that. It is a meeting, something like that of the iron-masters.

550. It is not a general association, in which bodies of the people of Preston join?—No; it is composed simply of the manufacturers.

551. Lord *J. Manners.*] In point of fact, are you conversant with the details of this trade?—I am not conversant with the details of the cotton trade.

552 *Chairman.*] Does it ever happen in strikes that there are individuals who wish to promote the strike?—No, I do not think that any individuals would wish to promote a strike; I know that it has often been alleged that they do so, and there

there has been a great cry out at times about the men being led away by their leaders, but I do not think it is a fact.

553. You have stated just now that there was in the potteries a sort of arbitration between the masters and the workmen; in your opinion, is the present Act of Parliament sufficient for that purpose?—I think it is not sufficient for that purpose, or the masters themselves would not propose another mode of settling their disputes; I think that the masters themselves show by the course they have taken, that they have no confidence in the mode of adjusting disputes by appealing to the magistrates.

554. From what cause has that want of confidence arisen?—The cause, I think, as Mr. Winters has stated, is the thorough dislike on the part of the workpeople to go before the magistrates; I have looked over this Act carefully some little time ago.

555. Viscount *Duncan.*] What is the name of the Act?—The 5th of George the Fourth, chapter 96. According to the second clause it evidently appears to be the intention of the Act to take in all trades; but the subsequent part of the Act appears to me to go upon the supposition that there are no trades but those engaged in the textile manufactures; the whole applies to spinning, weaving, bleaching and dyeing; it does not seem to apply to the manufacture of goods of other descriptions at all.

556. *Chairman.*] Will you read the clause?—"And be it further enacted, that the following subjects of dispute arising between masters and workmen, or between workmen and those employed by them, in any trade or manufacture in any part of the United Kingdom of Great Britain and Ireland, may be settled and adjusted in manner hereafter mentioned; that is to say, disagreements respecting the price to be paid for work done, or in the course of being done, whether such disputes shall happen or arise between them respecting the payment of wages as agreed upon, or the hours of work as agreed upon, or any injury or damage done, or alleged to have been done, to the work, or respecting any delay or supposed delay in finishing the work, or the not finishing the work in a good and workmanlike manner, or according to any contract, or to bad materials," and so on; but after this clause the whole regulation seems to apply only to weavers and spinners, and frame-work knitters and bleachers, and trades of that description; I do not see any clauses besides the general clause about disputes of wages that would apply to my own trade; there are a great many cases which arise in my trade that do not come within the scope of this Act.

557. Is that one of the reasons why that Act is inoperative?—Yes; I think that is one of the reasons why the appointment of arbitrators under that Act would not be satisfactory. The question put just now, as to the 12th clause, has rather altered my view about that point; but the magistrate, even in that case, has the power of carrying out the award; and the appointment of the arbitrators, in other cases, is left by the 3d clause entirely in the hands of the magistrate who nominates them.

558. Do you think that that is not satisfactory?—That is not satisfactory at all; he nominates a certain number of persons; then the master and the men may each, if they choose, select one from those whom he has nominated; but even when they are nominated they may refuse to act; the arbitrators are not bound to act; therefore the act is ineffectual as far as that goes. I know that the 4th clause says, that if they refuse to arbitrate they shall pay the expenses attendant upon the bringing out of another arbitrator; but that does not remunerate the party who is suffering, especially a working man, who may perhaps be deprived of his labour for some days, and has nothing else to depend upon. Even on the second appointment, the arbitrator may refuse to act, and it is only on the second refusal that one arbitrator shall have the power by himself of hearing and determining upon the point in dispute.

559. Viscount *Duncan.*] If both parties consent, have they not at present, under that Act, the power of arbitration?—Yes, if they will consent; but there is a great difficulty in getting them, when it is left to the moment; because when a dispute occurs, it seems very soon to irritate both parties. The workman complains, and the master defends himself; the man gets a little warm, and words ensue, and that is not the time to appoint arbitrators; I think that they ought to be already appointed, in order that immediately on a dispute occurring, the appeal may be made to call them in.

Mr. *E. Humphries.*

11 March 1856.

560. Do you propose to make it compulsory, upon both the masters and the men, to submit all their disputes in future to these new councils of arbitration and conciliation?—If the masters and men agree to have the courts, I would; but I would not enforce the courts upon them. I would not force any master or man to have the court against their will; but if they agree to have the court, they should be bound by the decision of that court.

561. Mr. *Wise.*] Do you propose, if a district adopts the Act, that all future disputes shall be referred to the council?—Yes.

562. Mr. *B. Blakemore.*] Supposing that in a district the majority of the workmen and masters should agree to bind themselves by the decision of the Board, and supposing that any particular establishment refuses to do so, would you bring them in? Mr. Winters said: "I do not mean to make these courts compulsory upon the masters and men, but I mean to leave them open." Do you agree with that opinion?—Yes.

563. Viscount *Duncan.*] Supposing the meeting was not unanimous, are the majority to bind the minority?—I should think that in all cases the majority would do so, because otherwise it would be of no use to hold a meeting.

564. Mr. *B. Blakemore.*] Would you reckon the majority by numbers or value, or in what other way?—That is a question that I am not prepared to answer, but I think that the majority should bind the rest.

565. Supposing that any one or two employers in a certain district dissented from the general view of the others as to the establishment of these Courts, and refused either to appeal to their adjudication or to abide by it, what would you do?—If the master and his men were the dissentients, and agreed among themselves not to have anything to do with the Board, I think it would be unfair to enforce it upon them.

566. Supposing that some of the operatives agreed, and the master dissented, and said, "Here is my capital embarked; I am employing a great amount of labour, and paying a great amount of wages, and I will not permit of any such interference as this;" would you enforce them upon him?—I do not think it would be forcing them, supposing the present Act to have the scope and power that it was intended to give to it; it would not be more oppressive in that case than the law is at present; it would only be a transference of the duties of the magistrates, who do not, perhaps, understand the points of dispute at all, to a competent Board of practical men, all conversant with the whole details and technicalities of the dispute that might be submitted to them.

567. You know that some persons have a great aversion to the law, and some think very little indeed of arbitration; supposing a manufacturer or an employer of large capital were to be entangled in these courts of arbitration, and had the courts of law open to him, would not that be rather against the employment of capital in the particular districts where these courts were established?—I am inclined to think that there might be some objection in such a case; no doubt many people would refuse to give their consent; but my opinion is, that supposing they had these courts of arbitration even against their wish and inclination, they would perhaps be advantageous to them; I am certain of this, that there would be less annoyance and loss of capital and destruction of premises and machinery by remaining idle and unemployed in the event of a strike, and that that evil will be far greater than any individual sacrifices of feelings and views, with reference to submitting cases of dispute to arbitration.

568. These things would have a powerful moral effect upon the dissentient employers, but would you desire that they should have a compulsory effect upon them?—If I understand the question, it is this, whether the use of this Board should be made obligatory upon the minority of employers; that is a point upon which I should not like to hazard an opinion; my own view is, that the majority should in all cases bind the minority; I should propose that a meeting of the masters should be called specially for the purpose of deciding upon the appointment of a Board, and that if the Act is passed, it shall be optional with the manufacturers and the workmen whether that Board shall be introduced into their district. Supposing that they agree to try it, they would call a meeting specially convened for that purpose, and petition Her Majesty to grant them Boards of Arbitration; the process would be the same as granting a corporation to a town. At that meeting the masters should determine among themselves whether they would have a Board; and there should also be a similar meeting among the men.

569. Can

569. Can you suggest any practical way of putting an end to the evils which I have adverted to?—In all legislation you have to look to the interests of the majority; you cannot legislate for one class.

570. Where there is a court of law, a court of arbitration at present will not over-ride the law; do you mean by these courts of arbitration to exclude any person from appealing to a court of law?—Certainly not, in any case where they demand it; but I think that matters of dispute between the employers upon points of wages, or about the increased hours of labour, want of proper attention to work, and its not being properly finished; or to widths, lengths, weight, solidity, and every thing of that sort; all disputed questions existing between them should be submitted to this Board first, the same as to an Arbitration Board; for anything else, of course, they would go to another court.

571. *Chairman.*] Do you mean to say that if any one was dissatisfied with the adjudication of the Board, you would let them have recourse to law?—I would not permit an appeal beyond the court of arbitration on those points, whatever they might be, on which it was agreed that the Board should determine; their power and force should be maintained; they should have power to arbitrate, and their decision should be final and conclusive upon all points submitted to them.

572. Lord *J. Manners.*] Is there any appeal permitted now by the decision of the arbitrators appointed under the Arbitration Act?—No; upon this matter there is not.

573. Viscount *Goderich.*] Do you propose to give the Board any more extended powers than those which are given to arbitrators appointed under that Act?—No, I do not suppose that the powers would be greater, and, in fact, I think it would be sufficient to retain that clause. It may be desirable that the objects for which these Boards could be called upon to adjudicate should be extended: the enumeration of objects in the second clause is very confined.

574. Viscount *Duncan.*] Are the powers of arbitration given under the Act at present, in your opinion, sufficient, so far as arbitration is concerned?—It is the mode of arbitration that I object to; if the persons between whom the dispute arose, or the trade, had the power of appointing their own Board, it would meet the case; the powers contained in that clause are ample for the adjudication of disputes; the powers of that Act vested in their hands would give them sufficient authority; further consideration might suggest an improvement; but I think that the powers given by the Act to the magistrates transferred to a Board as a first step would test its advantages.

575. Viscount *Goderich.*] Do you propose that the Boards which you wish to be established should be permanent Boards?—I should propose that a Board be appointed for each branch of trade by the masters and workmen in that branch itself; and that upon any dispute arising in that branch, those parties so appointed should be called upon to arbitrate upon it. In that way we should not bring in a stranger unacquainted with the trade.

576. Do you propose that these Boards should exist permanently?—No; I would limit the period of their existence; I think that they should be appointed for one, three, or six months.

577. You do not mean that they should be appointed for each particular dispute, but that there should always be a Board in existence?—There should always be a Board in existence.

578. Do you think that the permanence of these Boards would induce people to resort to them much more than they do to arbitration, such as they have under the existing Act, which is only appointed for each particular case?—Yes, I do; and I think so for this reason, they would have the power of electing people interested in it. They are called upon to perform a certain thing, in order to conserve their rights or to settle their grievances. They would have a vote in the election of the Board.

579. Do not you think that the constant existence of the Board would put it into people's minds to refer their disputes to it?—The thing would always be kept before them; whereas, I dare say, at present, there are scores of people who never heard that there was such a thing in existence as an Arbitration Act.

580. Lord *J. Manners.*] They would know who the arbitrators were?—They would be called upon to elect them, and they would know whom they elected.

581. *Chairman.*] Your idea is not that each trade should of itself have a Board of Conciliation appointed for themselves by the masters as well as the

Mr. *E. Humphries.*

11 March 1856.

workmen, and that this Board of conciliation should be permanent for that particular trade?—Yes; and I should propose, with Mr. Winters, an additional Board, to take the supervision and appointment of the necessary officers, to carry out the provisions of the Act, and to perform many other matters of detail, such as furnishing reports to Government, or to Parliament, of the operation and results of the Act, and so on. They should take a sort of supervision, and act as a conciliation Board.

582. Viscount *Duncan.*] Where do you propose that the central Board should sit?—I should propose that each town should have a central Board, as well as local Boards.

583. There should be a central Board in each town?—Yes, composed of the different trades. The first Boards should be composed of parties out of the trade itself; the second, of a number of different trades.

584. Do not you propose that these Boards should be partially composed of workmen?—There should be an equal number of masters and men.

585. Under those circumstances, would it not be necessary to pay the members of the Board?—There would, no doubt, be some expenses incurred for loss of time, just as there is now attending arbitrations. Those expenses would have to be raised to meet the object.

586. Mr. *A. Pellatt.*] Do you know how printers pay the expenses incurred by their Board of Arbitration?—The printers, I believe, pay their own expenses. The person demanding the arbitration and losing the case pays the expenses of it.

587. Does he also pay the barrister who presides?—He also pays the barrister who presides, although they have only just organised, as it were, their system of arbitration. I believe it has been practised with considerable success among them for 40 years.

588. So far you approve of it as a model?—It is a model.

589. In the potteries has not the subject of prices often been a matter of contention?—Yes.

590. Is not there a great difference in the rate of wages between one district in the potteries and another; for instance, between Hanley and Stoke, where they make the better descriptions of the work, and Land End, where they generally make the inferior articles?—If he made an inferior article I do not think any reasonable workman would expect the same price as if he was making a superior one; but I think the prices throughout the pottery district are pretty uniform; there are differences, as in most other trades, according to the class of goods, and I dare say there are differences in the prices paid for the same description of goods.

591. On the assumption that there does exist a difference of wages, have the men at any time made an effort as against the masters to procure a uniform rate of wages?—There have been attempts made to do that; there have been complaints concerning that made frequently where one master is paying a less amount of wages for the same kind of goods than another master; the master paying the higher rate says, "If you do not bring up Mr. So-and-so to my rate of wages, I must come down to his;" and in these cases efforts have been made to do so.

592. Viscount *Duncan.*] In reference to the payment of these councils of conciliation in the different districts, do you think that the men would cheerfully contribute a small portion of their wages towards the necessary expenses attendant upon these councils of conciliation?—I think they would willingly contribute their fair proportion of the expenses, or it might be left to the parties causing the expenses to pay them; but as to the payment of the chairman, I think that should be another consideration; the chairman should be independent of the masters and workmen, and should not be paid by them.

593. Who do you propose should appoint the chairman?—I should leave the appointment of the chairman in the hands of the Crown, and let him be paid by the Crown, so that he should be completely independent of both parties.

594. Mr. *A. Pellatt.*] Would there be any objection to the judge of the county court being president of this Board?—He has now almost as much as he can do; and if you give him more labour, perhaps he would not be able to attend to both efficiently; if it was practicable, I think the judge of the county court would be desirable.

595. Viscount *Duncan.*] Do you think that the appointment of stipendiary magistrates unconnected with the district as chairmen of the councils of arbitration

tion would be generally acceptable?—Yes; I think that, apart from the councils of conciliation and arbitration, the appointment of stipendiary magistrates would give general satisfaction; there is a general desire among the people to have those magistrates.

596. Is there a general desire in these districts for the appointment of stipendiary magistrates?—Yes; I do not hesitate to say that they have generally no confidence whatever in the judgment of the local magistracy as at present constituted, especially on all questions relating to disputes between masters and workmen.

597. Viscount *Goderich.*] Do you think that, if the chairmen of these councils of conciliation were stipendiary magistrates, any of those objections which you say are felt against the present law would prevent people from applying to this tribunal?—I think not; though he might be chairman of that Board, it would not follow that he should sit there as a magistrate: I think he would appear before them not as a magistrate at all, although he might perform the duties and functions of a magistrate, but as chairman or judge of that court.

598. Mr. *P. Urquhart.*] Would not the giving to these tribunals the appearance of a legal court, which might be caused by having a stipendiary magistrate chairman, lead to a repugnance to appeal to them?—The court would be composed of parties interested in the trade, and those who came before it would be tried by their peers, and therefore they would not have any repugnance to appear.

599. Do not you think that the circumstance of a stipendiary magistrate being at the head of the Board would make people feel a repugnance to apply to it?—Although he might be a stipendiary magistrate, people would have full confidence in the Board, because there would be men acquainted with the trade present at the Board; he would appear there in the capacity of president only.

600. Mr. *Wise.*] Supposing that a stipendiary magistrate of the Staffordshire pottery district were to act as chairman of their Board of Arbitration, do you think that would be satisfactory to the operatives of the Staffordshire potteries?—I do not think it would.

601. Viscount *Duncan.*] Would not he have the assistance of the members of the council of conciliation in forming his judgment?—I think the men themselves might decide, and they would only call upon him as the judge, where there was an equality of votes in the committee; but if the men themselves agreed to a certain course, the judge would not be called upon; he being a gentleman accustomed to examine witnesses, and being so fully conversant with courts of law, would be able to sift pretty clearly the witnesses brought before him, and elicit, no doubt, a great deal of information, which otherwise would not be brought out; but the members composing the court itself should be the judges. He should only act in the event of an equality of votes.

602. Lord *J. Manners.*] Would not he act rather as the legal adviser than as the judge of the court of arbitration?—He would be the chairman, and in the event of an equality of votes, he would give the casting vote, but he would be their adviser.

603. Mr. *A. Pellatt.*] He would have a jury as it were of three masters and three men?—Yes, or whatever the number might be.

604. Mr. *L. Gower.*] Is this jury, which is to be composed of workmen and masters, to last for three months, or some certain period?—Yes.

605. Do you suppose that any master could be found who would have sufficient time to spare to be upon the jury for even a month (the shortest period you named) every day?—They would not meet every day; a convenient time of meeting should be appointed.

606. Is it your opinion that there would be masters who could spare sufficient time to attend whenever they were required?—I think the master would do so. Besides, the question would arise whether, in the event of the master not himself being able to attend, or not taking upon him the duties of arbitrator, his foreman or agent should not be reckoned as himself; and therefore that difficulty might be met in that way; there are many difficulties which no doubt would have to be met and overcome as the system develops itself.

607. Did not you say that in the potteries the Chamber of Commerce was in the habit of arbitrating as to future wages?—Yes; they agreed to do so, and they have done so, I believe, in one case, which took place at Mr. Heath's, of Tunstall.

608. Has it always been satisfactory?—This case of Mr. Heath's, of Tunstall, was

Mr. *E. Humphries.*

11 March 1856.

was adjudicated upon by the Board, upon an agreement such as that which I hold in my hand; that case occurred only two years ago; it arose out of a very difficult question (which is a great grievance and annoyance to the working potters, especially in some branches) about what they call turn-outs; that is a description of articles turned out in the biscuit-warehouse, for which the men do not get paid, but which nevertheless some of the masters make into good articles and sell; this was a question of that sort; an arbitration was appointed by the masters and workmen, and it was settled to the satisfaction of both parties; and since that time, which was two years ago, they have worked harmoniously together; this agreement was drawn up by this Chamber of Commerce of the masters.

609. *Chairman.*] Will you hand it in?—I will. I should like to make an observation upon one point, to show the way in which these questions may be arranged, without interrupting the business of the manufactory. When a dispute arises upon any article, instead of stopping the business, and the men being thrown out of work until the case is decided, it is here agreed that the man shall go on with his work, and that the master shall pay him the reasonable trade wages, until the arbitrator or arbitrators are able to decide upon it; and that, when the decision is given, whatever it may be, it has the same force and effect as though no delay had occurred. I will put that in. There are some very excellent points in it, I think.—[*The Witness delivered in the same.*]

Vide Appendix.

610. Would not that avoid arbitration, and answer every purpose that could be attained by the proposed council of conciliation, as far as mutual arrangements between the parties are concerned?—No; because arbitrators are not appointed until the dispute arises. Delay in this case would not be injurious as it would in others; but when a dispute arises, you have then to appoint arbitrators; the arbitrators may not act after they are appointed, and thus the delay continues, then you have to find others; they also may refuse to act; they have no power to force men to arbitrate.

611. *Chairman.*] By that arrangement, you would not have time to prevent a strike?—Not in this case; but if there were Boards of Arbitration appointed, it would be otherwise, for before the men made up their minds to have a strike they would say, the Board will not at once decide; it is an important question; we will work under a certain protest.

612. You wish to have a Council of Arbitration in existence, by which means the strike might be prevented?—Yes; I believe it would have that tendency.

613. Mr. *L. Gower.*] Is there any reason why they should not appoint without the intervention of the law permanent Boards of Arbitration as you propose?—There is no objection, because it is done in several cases; it was done, as Mr. Winters told you in his evidence on Thursday, at Macclesfield, and it worked satisfactorily, and prevented strikes, and while it existed at Kidderminster it was equally efficient, although its existence is attended by difficulty, as the matter is voluntary; the arbitrators have no power of enforcing their award in the event of either party repudiating it. In the potting trade, when a dispute comes before the Board, there is a written agreement by which they are bound to abide by the decision of the arbitrator.

614. Have they a chairman?—They appoint their own chairman; they do not appoint a magistrate.

615. Mr. *B. Blakemore.*] Did not you state just now, that there is a strong feeling on the part of the workmen for the establishment of such Boards; do you think they would have any objection to a contribution from their wages to the support of these Boards?—I do not.

616. Considering that the distress attending a strike, and also its effects, fall not only upon the masters and workmen, but upon the whole of the locality in which they are situated, and the trades with which they are connected; which do you think would be the more satisfactory way of paying for the establishment of these courts, a tax upon the workmen's wages, or a rate upon the district, such as the police-rate; do you think there would be serious objections on the part of the owners and occupiers in the district to contribute to that rate?—There might be; people do not like to be taxed, if they are not represented.

617. Is there not a strong feeling on the part of the workmen against any deductions from their wages?—I think they would voluntarily pay whatever amount was required, supposing the requirement of the Board was for a certain amount of money, in order to meet the expenses of its operation in a certain district, if they appealed for it; they would get it of course; they would not call

call upon parties who totally disapproved of it, and had no interest whatever in it, to contribute to it.

618. Do you think it would be fair for 40 or 50 workmen in one particular manufactory or trade to contribute to a particular fund, and the others not to contribute; how can you obtain, by voluntary contributions, or by payments out of the workmen's wages, the sums for keeping up the efficiency of these courts?—I merely mentioned that as one way of meeting the financial requirements of the Board. Another way is that each party should pay the expenses of the case in which he was engaged; but I do not apprehend that the expenses would be very great in these cases.

619. In these cases would not the Board find great difficulty in getting their expenses paid?—The question is whether the Boards should consist of paid members or not; whether the workmen would not accept the position of being appointed to settle and arbitrate without being paid.

620. There must be expenses of some kind?—Yes; but it is my opinion that the workmen themselves will not object to meet the expenses; I do not know how far the tradesmen would like to be taxed.

621. *Chairman.*] Nor would the masters?—Nor would the masters.

622. Mr. *B. Blakemore.*] Do you think that means might be devised which would not be unpleasant to the masters, whereby these contributions could be collected?—I think the contributions might be very easily collected, by the simple mode of having an organized body; no doubt such a body would meet the expenses without taxing the workmen.

623. Do not the masters sometimes object to employ persons who are members of organized bodies?—I do not think the organizations would be superseded by these new arrangements, because I think they will be highly necessary in carrying them out, in appointing arbitrators and getting the men together; I think that the Board would prevent the strikes and turn-outs, and the serious amount of wretchedness arising from them; but I do not think the organizations themselves would be done away with on the part of the masters or of the men.

624. Do not you think the Board will have the effect of breaking down the organizations?—No; it would, perhaps, add another important object to their regulations. The objects of the trade societies are not merely to support men in circumstances of strike, or anything of that sort. Many societies combine other objects, such as allowances in sickness, giving an amount on the death of a member or to a member's wife, or supporting members in case of accident.

625. Those are friendly societies?—Yes; they are not altogether under the Friendly Societies Act. There are other societies; the shoemakers in particular, which are approved of by the masters. Many masters will not employ a man who does not belong to the society; they say, "Bring me a ticket from the secretary, to show that you are a member of the society, and I will give you work." The man brings a ticket, and the material is given to him; and if the man pledges that material, or absconds with it, the society pay the master for it, and assist him in bringing that man to justice.

626. Mr. *Wise.*] In that case, does not the honest man pay for the dishonest one?—They do it to secure the master against losses by dishonest workmen; the objects of these societies are not exclusively for the defence of wages.

627. Mr. *B. Blakemore.*] The main object of the society would be, to get a fair day's wage for a fair day's work?—That would, no doubt, always be the main object.

628. You do not think that the object is to break down the independence of the masters, by giving a greater independence to the men?—I think it is very necessary that the men should have some independence.

629. Do you think that the establishment of these Boards would have the effect of increasing organizations or preventing them?—My opinion upon that is speculative. Of course I cannot tell what would be the result. Where a trades society was established simply for the protection of wages, it might have a tendency to destroy it; or it may have the reverse effect. But my opinion is, that the organizations would strengthen the hands of the Board, and be a readier means of facilitating their business.

630. Sir *H. Halford.*] If so many Boards become necessary as a means of justice to individuals, has it ever occurred to you, that that would be a reason why the necessary expense should be defrayed by the public?—In the case of Preston, the public would have been greatly benefited if they had defrayed the

Mr. *E. Humphries.*

11 March 1856

expenses of a Board of Arbitration, which could have prevented the strike; and there are many cases in which the public would be very much interested in the matter; but I do not see how you could call upon them to contribute at all. No doubt there would be cases where they ought to do so, but how you would get them to do it, I cannot tell. They do not take any part, either in the election of the Board, or in the conduct of the business of the Board. They have an interest that strikes should be prevented, that trade should be prosperous, and that the men should get good wages; they, no doubt, would do as much as they could in that way to keep up that prosperous position. I have here a written proposal, which I beg leave to put in, as to the construction of Boards.

631. Mr. *B. Blakemore.*] Is it similar to that which Mr. Winters has read?—It is his own, with some differences.

Vide Appendix.

632. *Chairman.*] Will you hand it in.—[*The same was delivered in.*]

633. Lord *J. Manners.*] You stated that you would have a separate Board for each trade; do you mean for each trade, or for each group of trades that may have some affinity to each other?—For each branch; you might in some cases, where there was an affinity between various trades, group them, so as to prevent the multiplication of Boards; but in these sections of labour, which are distinct from each other as the shoemaker is distinct from the builder, each section, in that case, should have a different arbitrator, because the arbitrators would then be practical men, conversant with the questions submitted to them for adjudication.

634. How would you constitute Boards of Arbitration in small towns where there are a good many trades, and comparatively few people engaged in each trade?—In that case, the same principle would apply as in large towns. I should group them where there was any affinity in their nature, or take them separately, as in the other case; but in such cases they are generally not far from other towns which they might associate with, and by that means obviate the difficulty.

635. You would have a sort of district?—Yes; in the central Board there would be a central committee, which would require the limits of the district to be properly defined?—I do not propose any boundary in my plan, because I think you have already in existence means of defining them, either by boroughs or towns, or parishes, or other divisions. I have here the resolution of the silk weavers of London, to which I referred just now. It is as follows:—"We, the undersigned, of London, broad-silk manufacturers, understanding that the operatives of our trade desire to obtain the sanction of the Legislature for regulating wages by district Boards, equally representing the interests of employers and workpeople, and to have disputes concerning work and prices referred to the said Boards, consider the welfare of the operatives would be promoted, without the general prosperity of the trade being endangered thereby. (Signed) Thos. Ballance, p. pro. Robert Cooper, Collingwood Cooper; Bailey & Fox, Henry Varnish, Gibburt & West, W. Bullock, Daviss & Washington, Nathl. Brooks, Brooks & Nephew, J. B. Hodges, De La Mare Brothers, A. J. Mark, R. Riley, Jas. Hill & Co., W. Goodson & Co., W. W. Casey & Phillips; Boyd & Harmer, J. Vanner, W. Soper, Goodwin, Senecal & Co.; Reid & Hornor, And. Peacock, Campbell, Harrison Lloyd, John Saltee, Wm. B. Grace, John Hodges, Girault & Co., William Gilbert, James Cowing, junr., James Stillwelt, Jones & Pain, James Dawson, G. & A. Gilkes, J. J. Buttress & Son, Le Marechal & Brothers, James Bamford, Robinson, Lawford & Co., William May & Son, Sanders & Reid, James Baynton."

Jovis, 13° *die Martii*, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Pollard Urquhart.
Mr. Wise.	Mr. Apsley Pellatt.
Mr. Leveson Gower.	Mr. Cobbett.
Sir Henry Halford.	Mr. Ingham.
Viscount Duncan.	Viscount Goderich.
Mr. B. Blakemore.	Mr. Gordon.
Mr. Kinnaird.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Guilford Lindsay Molesworth, Esq., called in; and Examined.

G. L. Molesworth, Esq.

13 March 1856.

636. *Chairman.*] WHAT is your position in life?—I am a Civil Engineer.

637. Has your profession enabled you to form an opinion of the lower classes of society?—Yes; I have been thrown very much amongst masters and men. I have lived in the manufacturing districts a great deal; in Lancashire, and also in South Wales, and the coal and iron districts, as well as the midland districts, the districts of Staffordshire and Birmingham.

638. In all those districts, have you had an opportunity of witnessing the conduct and the feelings both of the men and the masters?—Yes.

639. Are you in any way connected with the masters or the operatives in any part of England?—No, not in any way; I have no connexion with either.

640. Have you ever had any labouring men under you?—As an engineer I have frequently had men under me; but I have not had men under me who have been paid by myself. I have not acted as a master; I have merely directed men in their work.

641. Is your knowledge of the working classes superficial, or is it very extensive?—It is certainly most intimate; for I once put on working clothes, and acted as a workman, in order to be thoroughly acquainted with every part of my profession. I worked as one of them for a period of two years.

642. In what calling did you work?—Amongst the engineers; the mechanics and pattern-makers and millwrights.

643. Have you ever had any conversation with the men upon the subject of strikes?—Yes, frequently. I have had many opportunities from being thrown so much amongst them, and not being a person implicated in the disputes, of judging of the matter dispassionately.

644. Will you state to the Committee what opinion you have formed in consequence of those conversations with the workmen on the subject of strikes; what is the cause of strikes?—The cause is most varied. That of wages is perhaps the chief; but the causes from which strikes arise are so numerous, that it is almost impossible to mention them. I have frequently known strikes to occur from machinery being employed in processes before done by hand. I have also known them occur from the system of piece-work and over-time being objected to by clubs. I have also known cases of masters being required to dismiss the machine-men and to employ skilled labourers in their places. I have also known a case of the men requiring a master not to employ so many apprentices. The causes are numerous; foreigners coming amongst them have sometimes caused strikes.

645. Which of those causes do you think is the most imperative?—Wages certainly is the chief.

646. Your opinion then is, that strikes generally arise from disputes about wages?

G. L. Molesworth, Esq.

13 March 1856.

wages?—No; not the greater number; but it is the greatest point upon which they arise.

647. Mr. *Wise.*] Do you think the strikes are entered upon by the workmen with great reluctance, or not?—Frequently with great reluctance; I have known cases where the clubs have forced them to strike, even against their will.

648. Are they generally a long time in coming to a determination to strike?—Sometimes they are a long time; they generally brood up gradually, and are vaguely rumoured at first; at other times they may be forced on by agitators more quickly; sometimes I have known the prospect of a strike come on for months beforehand. In one case especially, in the engineers' strike, where I saw what happened while I was working, I think for two months beforehand it was expected, and I had frequent opportunities of talking to the men about it.

649. Viscount *Duncan.*] What year do you allude to?—The strike caused by the Amalgamated Society of Engineers; it was general in Manchester and in London.

650. Mr. *P. Urquhart.*] In what year?—I think it was in the winter of 1851 and 1852.

651. Mr. *Wise.*] Have not some of those strikes to which you have alluded arisen from the masters having demanded that the workpeople should sign declarations to the effect, that they would not belong to trades' unions?—No, none that I know of in that time; I know the circumstance which you mention to have happened in consequence of the trades' unions having driven the men to strike first of all.

652. Are you aware that that sort of great demand indirectly, if not directly, is very injurious to the working men?—It certainly is injurious to them, but I think it is necessary.

653. Do not many of those unions pay their members certain sums during sickness?—Many of those societies do, and then they are beneficial, if they confine their operations to that, but those which go further are prejudicial, I think, both to masters and men; they gain immense power, and tyrannize over the men; I have frequently spoken to the men on the subject, and I have heard them complain bitterly of being obliged to strike when everything is going on well.

654. *Chairman.*] You think there must be a strong incentive to induce the men to strike, it being against their interest?—Yes. I have a paper here in connexion with a strike of which I was a spectator; it is an extract from the rules which caused one of the strikes; the rules of the Amalgamated Society. This is the extract: "Rule 22d—1. Systematic over-time and its discontinuance. 2. Piece-work, &c. Section 1. That in order to secure to our members a general prospect of employment we repudiate systematic over-time, as being the cause of much evil through giving a number the privilege" (thereby showing that the men consider it as a privilege) "of working more than a legitimate week's time; whilst doing so deprives other members of situations, producing much domestic misery, and causing a great expenditure of the society's funds; we, therefore, authorise the executive council to take steps for its immediate discontinuance, by issuing a general order for all districts simultaneously to adopt this resolution. Any member refusing to comply with this resolution renders himself liable to be excluded." Exclusion, of course, involving the loss of all his subscriptions for years back; it is a very strong clause. The section is with regard to over-time. "Section 2. That the same steps" (that is an order to be obeyed under pain of dismissal) "be taken to abolish piece-work; to destroy the practice of working more than one lathe or machine." That refers to the self-acting machine; one man may work two such machines; he may fix his work upon one and set it to work, and go to the other and fix that. "To prevent a greater number of apprentices or admissions into our trade than are likely to find employment therein; apprentices to be in proportion of one to four journeymen; and to assimilate the number of working hours in each district, so that if circumstances require a further reduction of the hours of labour, such may be accomplished."

655. Mr. *Ingham.*] What date was that?—I think it was October 1851; it occurred somewhere about that time.

656. Mr. *Wise.*] Are you of opinion that if the rules and regulations which masters and workmen make for themselves could be submitted to some tribunal which should be agreed to by the masters and men, and approved of by that tribunal,

tribunal, it would tend very much to prevent serious misunderstandings?—I think it certainly would.

657. Mr. *P. Urquhart.*] You think that in that tribunal they might get all the good they get from these trades' unions and avoid the evil?—Yes.

658. You said just now that the workmen often strike in consequence of machinery; how long do you think it is before the men temporarily thrown out of work by machinery are absorbed in the increasing demand for the new species of labour caused by the introduction of this machinery?—It would depend entirely upon the character of the machine, but it would be some time before it had that effect.

659. Do you think they would get work in the course of that year?—Scarcely, because supposing the demand increased in consequence of the machinery, it would take some time before the mills could be erected, or an increased number of machines could be put up, in order to meet that demand.

660. Might not the actual erection of new mills, or the actual making of an increased number of machines, also give employment to a great number of men?—Yes, but of a different character to those thrown out of work.

661. Does not the one nearly counterbalance the other?—Nearly, but it is not in the same trade; the same men would not be employed.

662. Do you think that, generally speaking, they are ultimately absorbed in the same trade, or are not some of them obliged to seek employment in other trades?—Some of them are obliged to seek employment in other trades.

663. Generally speaking, are these improvements in machinery so sudden as to throw out a great number of men at once?—Certainly not; generally the increase takes places gradually; sometimes it has been found that self-acting machines have been the consequence of strikes; the riveting machine was an instance of that.

664. Viscount *Duncan.*] In the instance to which you have alluded in 1851, was there any improvement of machinery?—I think not; the machinery has been so much considered, and there have been so many strikes, that I do not know that any improvement of the machinery was the consequence in that case.

665. Viscount *Goderich.*] Are there not some instances in which the classes of workmen thrown out of work by the erection of new machinery are never called into work again?—I cannot answer that question.

666. Is not the hand-loom weavers a case of that sort?—Yes.

667. That class of men was never absorbed in any other employment?—No.

668. Mr. *P. Urquhart.*] Did not that result from their continuing the use of hand-looms?—Yes.

669. Were they not attached to that species of labour?—Yes. If they had gone and sought employment, they would have been absorbed into other trades, no doubt.

670. Viscount *Duncan.*] Do not improvements in machinery generally lead to an increased demand for labour?—Yes, decidedly; there are many more weavers now than there were under the old system of hand-weaving; the number must have increased tenfold.

671. Mr. *B. Blakemore.*] Are there not many portions of work, particularly in the printing and the cotton trade, which are much more exactly, more cleanlily and beautifully done by machinery than by hand-work?—Yes, no doubt of it.

672. Is not machinery in very general use in other countries, as well as in this country?—Yes.

673. Would not the abolition of the use of machinery very much diminish the chances of competition of our manufacturers as against foreign manufacturers?—We could not compete with them at all, in most cases, without the use of machinery.

674. Did not you state that one of the most fruitful causes of strikes was the improvement and application of machinery?—It is not one of the most fruitful causes of them, but it is one.

675. Was not one object for which associations directly strike, the regulation of the use of machinery?—They objected to the employment of unskilled labour: they required that skilled labour (that is, workmen at 30*s.* and 35*s.* a week) should be employed at the machines, where labourers at 18*s.* a week were employed, and did their work well.

G. L. Molesworth, Esq.

13 March 1856.

676. Is it not frequently the case that a child or a female can manage a machine with quite as much efficiency as a person accustomed to skilled labour?—Yes, with a little instruction.

677. Would not an interference with that description of machinery throw out, in some degree, the females and the young population?—It would throw out a very large class of labourers. In the case I refer to, females were not employed at all; they were generally labourers; perhaps young men of 18 or 20 years of age, and men who had not been brought up to the trade of an engineer, fitter, or turner.

678. Did not you state that another fruitful cause of strikes was the insisting upon the abolition of job and piece-work, in lieu of day-work?—Yes.

679. Is it the tendency of human nature to work more assiduously at piece-work and at job-work, than at time-work?—Yes; you will find much more work done by piece-work.

680. You stated just now that the manufacturers of this country had to compete with foreign manufacturers, in countries where machinery is in use?—Yes.

681. Did not you state another cause of strikes to be the too extensive employment of apprentices?—Yes.

682. Will not the employment of apprentices at the master's discretion, if they say that they will employ apprentices, though not beneficial probably to the wages of the workmen of the present generation, affect the future employment of skilled labour as these apprentices grow up; would not it prevent great numbers of skilled artisans growing up who had not the opportunity of working as apprentices during their youth?—Yes, certainly.

683. That would be injurious, would it not, if not to the present manufacturers, at least in the course of years?—Yes, if the quantity of apprentices were not sufficient to meet the increasing demand for skilled labour.

684. I think you stated that in the rules of the Amalgamation Society, the curtailment of the hours of labour was the objection?—Yes.

685. Did not they wish to prevent them working what they call over-time?—Yes.

686. Is there not a very great difference in the strength and capability for work of one man over another?—Yes.

687. Supposing the hours of labour were restricted, would that be beneficial to the labouring classes at large; if the time they were allowed to be at the loom, or any other employment, were confined by law, would it not, although beneficial to the weaker men, very much affect the stronger men?—I think it would be very prejudicial to the men; at least I have spoken to workmen upon the subject, and some have told me that they found over-time a very great help to men with a large family. There was another instance at a place where I was at work a short time ago; at that time I offered a man, who was a workman at 33*s.* a week, the place of a foreman 50*s.*; he declined it, because he said to me he would have more over-time that year, as it would be a good year, and that he would make a better thing of it than he would by being a foreman in a part of the country where there would be no over-time, and he would therefore prefer to remain in his position as a working man, instead of becoming a foreman. A strike for working over-time came soon after this, and he told me he had bitterly regretted that he did not accept my proposition.

688. Assuming that rules and regulations of this kind were in existence, and were enforced by large unions or large bodies of men in the country, do you think that confidence would exist between the employer and the employed?—No.

689. Do you think it a legitimate or an arbitrary thing for an employer to ask, before he takes a man, or a body of men, into his employment, "Do you belong to the trades' union"?—I think it is quite a justifiable question.

690. If you had yourself to select 200 men for your mill or mine, or anything else, either from a body of men belonging to these unions, or from a body of men who did not belong to a union, which would you prefer?—I certainly would prefer those men who belonged simply to a benefit society, which did not interfere on the subject of wages, or any other subject connected with masters.

691. Do you consider a benefit society, for the care of men in sickness, and for cases of accident, to be highly beneficial?—Yes.

692. The more their extension is cultivated the better?—Yes.

693. But

693. But you do not think a society for the control and regulation of labour and interference between the employer and employed beneficial, either to masters or men?—I do not think it beneficial either to masters or men. In the main, societies have been rendered necessary by oppression; workmen have been oppressed, and some remedy has been necessary; but still the remedy becomes a greater evil than the original evil, and I think the workmen suffer a great deal under it. There are cases where they have been able to resist oppression successfully, but on the whole, I think they are injurious.

694. *Chairman.*] Will you have the kindness to explain what you mean, by saying that the workmen have been oppressed?—I have known a case of this kind. I have known a deputation of men go quietly to request the master to do something, and the master has refused to hear a word.

695. Mr. *B. Blakemore.*] Was that a master employing labour to a great extent?—To a very large extent indeed; I do not wish to mention his name.

696. What number of men had he in his employment?—About 1,500 I should think; I have known very many similar cases.

697. Was that master an educated man?—No, I should not call him an educated man; he was a man, perhaps, whose father might have risen from the ranks. I do not think he had been a working man, but, perhaps, his father had.

698. Mr. *Wise.*] Do I understand you to say it is your opinion, that those who live by the produce of capital may combine and associate, but that those who live by wages and labour should not combine and associate for their own interest?—I think it is necessary for them in the existing state of things to combine. I think that neither should combine, but it is impossible to avoid it; they ought not generally to do so. The masters on some occasions have been been obliged to combine, in consequence of the combinations of the men.

699. If the masters have a chamber of commerce, and are associated for the express purpose of promoting their own interests, are you of opinion that the working men should be deprived of the power of placing themselves in the same position?—No; I think that under the existing state of things it is justifiable; but I think it is a great evil; it grows to an evil.

700. Therefore you think that the establishment of some equitable tribunal, such as a Council of Conciliation, would tend to break up on both sides combinations of this sort?—I think so.

701. Viscount *Goderich.*] Did I understand you to say that you thought, that under the existing circumstances, it was necessary for the men to combine together?—I think they are very often much oppressed, and it is necessary for them to obtain some means of redress; but still I do not say that they take the right course.

702. At the same time, did you not say that you thought it very advisable and right that the masters should refuse to employ any workman who belonged to such a combination?—I think that he has a right of doing so.

703. Did I rightly understand you to say that you yourself should act so?—I should act so if I could obtain men that did not belong to any association.

704. How do you reconcile that statement with your opinion that it is necessary for the men to combine for their own protection?—I think it is necessary for them to do something of the sort; but still it is necessary for the masters to do the same.

705. Viscount *Duncan.*] Is it not the case that many of the masters are not members of any association?—Yes.

706. *Chairman.*] The sum total of your opinion is this, that you think it is injurious to the workmen to combine, and also to the masters, and that it is desirable for neither to do so?—Yes.

707. Mr. *Ingham.*] May we not say that every employer of capital for wages is a combination of himself, because he possesses a certain power, and the only way in which he can be met by the workmen is by uniting?—Yes.

708. If the master dealt with his men separately, he might by small degrees effect his purpose, and the only way of preventing that is by the men agreeing to unite together, and to treat with him upon equal terms?—Yes, I think that combinations are rendered necessary, but they are injurious; and these clubs especially injurious to the men and to the masters, because they acquire such great power, and they use that power arbitrarily; the clubs of the men gain enormous power.

G. L. Molesworth, Esq.

13 March 1856.

709. Viscount *Duncan.*] Is it contrary to the masters' interest in many cases to part with men who have been long in their employment?—Yes.

710. Mr. *L. Gower.*] Without the existence of these clubs, to which you have alluded, may not the men in any particular employment combine together against the masters?—Yes.

711. Would they not in that way have just as much power, although there should be no clubs in existence, of resisting the steps taken by the masters?—They would not have so much power, because the clubs are so well organised. I think I have a document in connexion with one of these clubs, showing the manner in which they use their power and acquire information. Some of the clubs require the workmen of each manufactory to send them in a printed form filled in, containing the name of the shop, the name of the workman (I am now alluding more especially to engine-makers and engineers), what profession the workman is, that is whether pattern-maker, or smith, or turner, what society they belong to, whether they have worked at this shop before, what was the last date of their so working, what wages did they receive then, and what wages do they now receive; by this means, they get an intimate knowledge of all the transactions of the shop. Here is a part of the report of the committee of one of these clubs; it is dated September 29, 1849; it is as follows: "The committee advised" ———'s "workmen to ask for more money; all did so and left; but we are "sorry to complain of four or five individuals who refused to follow that simple "advice; of course no further confidence could be placed in them, and they were "from that time never more treated with, but left to the dictates of their own evil "wishes." "The following week our advice extended to the whole of the work-"men who were receiving 30*s.* and under, that they should ask for more money. "In order to ascertain what wages were paid them, we requested them to meet "us on the Saturday evening and present their tickets for our inspection; we "found about an equal number at 32*s.* and 33*s.*, and one at 30*s.* Our advice "was then still in accordance with our first decision, that those under 33*s.* should "ask for more the first thing on Monday morning, and if they did not get it, to "leave. Our trade will know how to draw a distinction betwixt those who "honourably stand up for its interest and support, and those who receive a rise "of wages as a bribe for their opposition to its wishes." Then here is another extract, dated the 20th of December 1849: "In all districts there is a duty "incumbent on all members in employment, to use their influence in their "respective workshops in favour of members out of employment. If our recom-"mendations are adhered to, and our members are active and energetic in all "their trade proceedings, we shall soon still further improve our condition, and "make our society the real ruler of the destinies of our trade."

712. There is no doubt that the men combining by these clubs have more power than they would have if they did not do so; but what I wish to know is, whether the workmen under one master, combining together, have not, without belonging to these clubs, as much power in resisting any step the master takes, as the master has, provided the master does not combine with other masters?—I think the master has more power, for this reason: when the workman goes out, he suffers always, whether right or wrong; the master sometimes, in the case of a turn-out, does not suffer, because sometimes it is of very little importance to him whether his mill is working or not, therefore the workmen have not such power as the masters have.

713. Viscount *Goderich.*] Is not there this material difference between the two cases, that in case the men of one master combine together, if they leave the work they have nothing to fall back upon; whereas, even if the strike causes the master to suspend his work, he has something to fall back upon for a considerable time?—It may be so sometimes; however, the master is sometimes severely injured by not being able to carry out orders.

714. Whereas, if the men are in the clubs, they are supported?—Yes, they are.

715. Mr. *P. Urquhart.*] You stated just now, that a good workman gains a great deal more for working by piece-work than for working by day-work; is it not the bad workman who desires to prevent piece-work?—Sometimes piece-work is abused; there are little petty injustices done by the foreman; sometimes the masters let the piece-work too low; but all good workmen like piece-work. It is piece-work which enables, more than any other kind of work, a man to rise from his condition as a workman to that of a master.

716. Do you think that the majority of the workmen are against piece-work?—I do not; I think they are generally in favour of it.

717. Then the majority are so far good workmen as not to be against piece-work?—They could generally make more by it if they had a fair master to deal with than they could by day-work.

718. It is merely the idle and dissolute men who try to compel the others to combine against piece-work?—Yes.

719. Have not idle and dissolute men often more influence with a large body of men than industrious workmen?—Yes.

720. Do not you think that the objection to piece-work would be generally withdrawn if there were some sort of tribunal to settle the disputes that arise about it?—Yes, I think the cases where it is abused might easily be settled by a tribunal.

721. Viscount *Goderich.*] Would not such a tribunal tend to prevent the abuse of piece-work?—Yes.

722. Mr. *B. Blakemore.*] Is it your opinion that the establishment of these courts of arbitration would tend to a better understanding between the masters and the workmen?—Yes, very much so.

723. Do you think that it would tend to break up or to extend these organisations?—I do not know whether it would tend to break them up or not; I think the agitating part of the clubs would not have so much to lay hold upon as at present, and they would not have so much power for evil.

724. Are not these combinations or associations composed of all descriptions of workmen, both of those who are steady and wish to rise in the world, and those who are satisfied with comparatively low wages, and who would never rise in the world?—Yes.

725. What is your opinion as to the effect of extensive organisations on the investment and expenditure of capital in particular trades and manufactures; do you think that if a proprietor of large capital found himself controlled by combination of this kind, it would have a tendency to prevent his extending his capital in that particular trade?—I think it would; I have known cases where an employer has said, that if he could possibly get anything done by machinery in his trade he would dismiss every single skilled hand from his yard.

726. Do not you think that the more extensive those organisations are, the more difficult it would be to induce the proprietors of capital to invest it in those trades and manufactures which are controlled by these combinations?—Yes.

727. Would that result be to the advantage or to the disadvantage of labouring men?—To their disadvantage.

728. Supposing these organisations became so extensive as to be almost universal, would not they affect the investment of capital in this country very seriously, by driving it to other countries where there was no such control?—Yes, it would be a serious evil; that was the case in this very strike of the engineers, which I have before mentioned. First of all, a great many foreigners came into England, and then some of the foreign countries, America for instance, met us on neutral ground, and carried out orders which we otherwise should have had.

729. Ships are built as well in foreign countries as they are in this country, and in some cases more cheaply; would an extensive organisation among the shipwrights have a tendency to keep ship-building in this country, or to drive it to other countries?—To drive it to other countries.

730. As to the manufacture of cotton, would a combination in that trade have a tendency to keep the working up of the raw material and the finishing of it at its present amount, or to reduce it?—To reduce it.

731. Would not that be an evil to the operative population of this country?—Yes.

732. Viscount *Goderich.*] Are there not combinations in both those trades to which you have just alluded?—Among the shipwrights I know there are combinations, and in the cotton trade also.

733. Therefore the great investment of English capital that exists at present in those trades, has been carried on under that system?—Yes; our people have gone abroad a great deal; a great many mills have been put up in Russia and Germany by English workmen.

G. L. Molesworth, Esq.

13 March 1856.

734. Mr. *Ingham.*] By English capitalists?—No, not English capitalists; English engineers have put them up.

735. Viscount *Goderich.*] Do you attribute that to the combinations?—No, I do not.

736. Can you state to the Committee in what trades unions exist, and in what trades they do not exist?—They exist in a great many; I cannot specify the trades in which they exist.

737. Do they exist in the principal staple trades of this country?—Yes.

738. Mr. *P. Urquhart.*] You were talking just now about men occasionally going abroad and setting up manufactories there; had they not in those cases been induced to do so by some extraordinary offers made by foreign governments; for instance, have not shipwrights gone to St. Petersburg at the express request of the government, and were they not induced to do so by some extraordinary offer from the government?—They have in many cases; but I remember at the time of the strikes many workmen going abroad.

739. Viscount *Duncan.*] Have not many gone to America?—Yes.

740. In those instances the Government did not interfere?—No; in consequence of the strike of 1851-52, many men went over to America to seek for work.

741. Mr. *Cobbett.*] Is it not generally the case in almost every extensive strike of any trades, that a great many men go to America?—I think that in some cases the workmen have scarcely saved up sufficient to take them to America.

742. Do not they get assistance from others in order that they may go?—I do not know whether they do or not; I know in some cases they do so; but I do not know whether it is general or not. The effect of strikes is frequently to bring a new class of men into the trade.

743. In giving evidence just now, with reference to piece-work, did not you say that you thought it was the idle and dissolute who were against piece-work?—Certainly, that is so; but I also stated that there were many abuses in piece-work by which the men were oppressed, and which therefore make it distasteful to them.

744. Has not piece-work the effect of enabling the master to ascertain what the man can do by using his utmost exertion?—Yes.

745. Does not that give the masters a sort of hold upon the men, by enabling them to say, "Now, So-and-So did so much work in so many hours; I look upon that as a day's work, and that you shall do"?—It may have that effect.

746. Do not you think, recollecting that men are of various strength and capacity, that that would be oppressive to a man whose bodily constitution was not such as to enable him to do what a stronger man might do?—I scarcely think it is so; I think that there are among engineers, and also in other trades, different classes of workmen; a man who does the work well is paid at one rate, and a man who does not work so quickly is paid at another rate.

747. Will you enumerate the abuses which, in your opinion, arise from piece-work?—The practice of letting out piece-work too low is one; another is, that the foreman will often consider the work not well done, and upon very trivial grounds will throw the work back upon the man's hands, or pay him very inadequately for it.

748. Are you speaking of the engineers?—Yes.

749. Do you know much about other trades in this respect?—No; I do not know much with regard to weaving and those trades.

750. Mr. *P. Urquhart.*] You spoke just now about the trades' unions wishing to contract the day's labour; do they do that for sanitary reasons, or do they do it in order that the day's work may be more equally divided?—In their rules they state that their object in opposing over-time is, that there may be a greater quantity of men employed; they state in their rules that they desire, in order that men may be more generally employed, and that there may be less expense upon the funds of the society, that over-time should be discontinued; they consider that few have the privilege of working over-time.

751. *Chairman.*] To what society do you allude?—To the Amalgamated Society of Engineers.

752. Are there not many strikes which never appear before the public at all?—A very great many; it is only those strikes which are sufficiently important to bring themselves before the public, that are known at all; the case of the small individual strikes is confined entirely to the places in which they occur.

753. Are

753. Are there a considerable number that are not generally known?—An immense number.

754. Can you state the number, or anything approximating to it?—I cannot state the number, but I have here a list of the trades which are affected by strikes to a great degree.

755. Those have come within your own knowledge?—A great many of these are within my own knowledge, and where strikes do not exist, disputes and injustice exist to a great degree.

756. How would you obviate that evil?—I think it would be necessary to have some tribunal constituted for the purpose.

757. Is there not a general tribunal now in existence, created by the 5 Geo. 4, c. 96?—Yes, but there are great objections to that.

758. Will you state those objections?—I think that there are great objections to that; first of all, that it is a legal matter, and that men have a horror of coming into courts of law; and secondly, that the magistrates who arbitrate, or who have the appointment of the arbitrators, are frequently themselves manufacturers.

759. That is a strong objection to the Act?—Yes, it is.

760. Viscount *Goderich.*] Has that Act ever been applied?—I do not ever remember hearing of its being made use of.

761. Mr. *Wise.*] Have you heard that the workmen have no confidence in that Act?—I have never heard it discussed at all.

762. Viscount *Duncan.*] Do you think that the existence of that Act is generally known among the workmen?—I scarcely think that it can be known.

763. Mr. *L. Gower.*] When disputes arise between masters and workmen, how are they settled?—The strongest generally conquers.

764. Which party do you consider the strongest, the masters or the workmen?—That depends upon circumstances; sometimes the masters are obliged to give in, and sometimes the men. I consider that, generally, the men are the weakest, but sometimes they muster in very formidable strength.

765. Do you think that the men have to yield more frequently than the masters?—I think so, and if they do not, they suffer from it more than they gain. If they gain their point, they generally suffer more from it than they would have suffered if they had not struck.

766. Do you know many instances of strikes, in which the men have obtained the end that they struck for?—A great many.

767. Is it more frequently the case that they obtain their end, than the masters?—I think they obtain their end less frequently than the masters, but sometimes they do after a short time.

768. Mr. *Kinnaird.*] Did not you say that though they obtained their immediate end, yet often they suffered more afterwards?—They suffer during the strike, unless they return to their work very quickly; I have known some cases in which the men have returned to their work very quickly, and they have gained by it.

769. Have you ever heard of cases where the men, after gaining their immediate end, were visited by punishment for the strike?—I have frequently known that the men have been refused to be taken on in consequence of having taken an active part in strikes.

770. Then you think that the result of a strike to the men, even when they gain their end, is afterwards anything but beneficial; is there not a bad feeling often created?—Frequently so.

771. Sir *H. Halford.*] Are you well acquainted with the provisions of the Arbitration Act?—I have glanced over it, but I cannot say that I am well acquainted with it, but I am generally acquainted with it.

772. Has it occurred to you that there is any special difficulty in carrying it out?—I think there is; I stated just now, in answer to a question put to me, the difficulty with regard to the fact of the magistrates often being masters, and with regard to its being a legal matter.

773. Has it occurred to you as a somewhat cumbrous process; does it not occupy a considerable time before it can be brought into operation?—I do not know that it does if the arbitrators are quickly appointed.

774. Do not you think that it is desirable that there should be some means of ready access to the parties whereby to settle disputes?—Yes, I think so, certainly.

G. L. Molesworth, Esq.

13 March 1856.

775. Viscount *Goderich.*] Do you think that the probability of strikes has a tendency to prevent wages getting lower than they are now?—Yes, I think it certainly has; I think they do good in that way, eventually; but very often the evils which the workmen suffer to attain that good are greater than the good which they afterwards attain.

776. Do you think that when strikes do not take place, they do more good than when they do?—I think so, upon the whole; I think that they are almost necessary to keep the master in check, and that they are indirectly useful to other trades, as well as to those immediately affected by them; that is, where the master hears of a strike, he is afraid that his men will strike. I know that the iron masters had a strong objection to give an increase of wages to their men; yet, having heard of a strike in their neighbourhood, they have given that increase.

777. Are there not places and times of great prosperity, in which strikes are very often successful?—Yes.

778. Was such the case in 1853?—No.

779. In certain times, is not a strike necessary?—Yes.

780. Mr. *L. Gower.*] You said that strikes often ended favourably to the men, and often to the masters; are there sometimes strikes against individual masters, and sometimes strikes generally against those engaged in a particular trade?—Yes.

781. Do strikes end generally more favourably to the men, when they are directed against individual masters, or when they are directed against all the masters in one trade?—Sometimes, when they are on a small scale, a strike will never occur, or a dispute may occur, but the men will not turn out; the master comes to terms at once.

782. In that case, there is merely a threat of striking?—Yes; still the injustice committed is the same; the weakest party has to give way.

783. Does it often happen, that when a strike is directed against the whole trade, that the workmen obtain that for which they strike?—I think that sometimes they obtain their end, but they have seldom obtained it quickly.

784. Then you think that they more often obtain their end, when the strike is directed against an individual master, or where it is against the whole of the trade?—Yes.

785. Viscount *Duncan.*] Have strikes been more common of late years than they used to be?—No; I think they are less common.

786. Viscount *Goderich.*] Do not you think that there is a tendency to larger combinations, both among the men and the masters, than there used to be?—Yes; I think also that their tone is much more temperate than it used to be; they are seldom urged to acts of violence now; and the tone altogether, both of masters and men, is very much improved of late years.

787. Do not you think that the tendency to create more extended combinations on both sides, is of itself a great increase of evil, as tending to set the different classes of society against each other?—Yes.

788. *Chairman.*] Has it ever occurred to you that the strikes take place almost against the wishes of the men?—Yes; in the strike that I was in (which I have already mentioned) among the amalgamated engineers, the club forced the men on.

789. Viscount *Goderich.*] Is there not another sort of turn-out, in which there being a partial strike, the masters close their works themselves?—Yes; those are called "lock-outs."

790. Was not that the case at Preston?—Yes.

791. Are not such cases more common than they used to be, owing to the greater habit of combination among the masters?—Yes.

792. Mr. *B. Blakemore.*] Which do you think has the most power to effect a reduction of wages, the competition between this country and other countries, or between different localities in this country, or the existence of remonstrance on the one side, and stiffness on the other, between the master and the men?—I think that the strikes have the most effect upon the wages.

793. Do you think that they have a greater effect than competition in the same trade in different localities of this country, or in different countries?—I scarcely think that the two can be compared; the one has a more indirect effect

effect than the other; the one has a tendency to affect the wages directly, and the other indirectly.

794. Does not the position of a particular trade depend very much upon the price at which the article is produced?—Yes.

795. Is not the question of wages a very material element in the price of the production of any article?—Yes.

796. In cases where we have to enter into competition with foreign countries, do not you think that the competition with foreign countries has as powerful effect upon the regulation of wages here as these combinations between the workmen or the masters?—Certainly, it must have an effect; because, of course, if the men strike for more than a certain quantity, the masters must either not pay them or continue their work at a loss.

797. May not the Committee infer from what you have said, that you do not approve of combinations, either on the part of the masters or on the part of the men?—I think that if they could be done away with, it would be much better.

798. Do you think that combinations between the masters or the operatives ought to be forbidden by the law?—I think it would not be fair, if there were no power of combination among the men.

799. Do you consider the repeal of the combination laws, both for masters and men, an evil, or not?—I consider that is not an evil.

800. The workmen, at least, would not like to see the combination laws re-enacted?—No.

801. Do you think that combinations are more frequent among the workmen than among the masters?—Yes; among the workmen they are more frequent. With the exception of some cases, the combinations of the masters are generally those which are formed as a kind of check to those of the workmen.

802. Is it not far more easy for 10,000 or 100,000 workmen to combine than it is for 10 or 100 masters to combine?—Yes, I think it is. They work more unanimously together.

803. Viscount *Goderich.*] Do you think it more easy for 10,000 men to combine than for 10 masters?—Yes; they are already combined together by means of benefit clubs, whereas the masters have nothing to keep them together, except their common interest.

804. Sir *H. Halford.*] Is not the competition stronger between the masters than between the men?—Yes.

805. Mr. *P. Urquhart.*] Are not the 10,000 men often guided by one or two leading men, whereas the masters act by themselves?—Men in combination do not go into the society merely for the purpose of combining against their masters; they are in their societies for their benefit, and combination is a secondary thing.

806. Viscount *Goderich.*] Then you would not agree with the opinion given by Dr. Adam Smith, and other persons of great authority, that masters are able to combine together without its being known to the public; whereas large bodies of men cannot combine together without its being perfectly notorious?—It is quite possible for masters to combine together privately; perhaps I was wrong in saying that it is more difficult for the masters to combine together; but I think I may say, that it is more difficult for the masters to work together, than for the men, as they have no means of enforcing obedience.

807. At the same time, if there comes a case of dispute between the masters in the district and the men in the district, cannot the masters and the mill-owners form a combination of themselves, without any trouble, when their mutual interests are so strong as to over-rule their individual competition?—Yes.

808. Mr. *B. Blakemore.*] In the great trades of the country, are combinations among masters general; is it the general rule, that the masters in the coal trade, or the iron trade, or in the cotton trade combine together for the express purpose of regulating the wages of the men?—If it is done, it is done to keep a check upon the combinations of the men; in some cases it has been done.

809. Is it not the exception rather than the general practice for masters to combine together to regulate the price of labour?—It is not the general practice.

810. Have not combinations among the masters become more frequent on account of the extension of those among the workmen?—Yes.

811. Which do you think was originally at fault, the masters in combining

G. L. Molesworth, Esq.

13 March 1856.

to regulate the price of wages, or the men in combining to protect their interests?—The men have originated combinations.

812. In these organisations, are the demands of the men generally moderate, or are they such as the masters can scarcely expect to agree to?—They are sometimes moderate, but sometimes they are very extravagant.

813. Mr. *Ingham.*] Did not you say just now that the recent strikes have been creditably distinguished by the absence of violence on the part of the workmen?—Yes.

814. Have you observed that there has been a better feeling exhibited both by masters and workmen in these strikes than was formerly the case?—Yes.

815. Do not you think that the increase of moderation on both sides offers a favourable opportunity for introducing some mediating board?—Yes.

816. Within what period should you say that there has been an improvement in the disposition of the men in their mode of carrying on these controversies?—Since there has been the absence of any political feeling to stir them up. The Corn Laws and the Charter were the two great things that stirred them up and caused a bad feeling between the masters and the men.

817. Although it may be said that their views are erroneous as to what would be the effect of such a step, does not their disposition to shorten the hours of labour and abolish piece-work, arise from the desire that every workman engaged in the same brotherhood of work as themselves should be in comfortable employment?—Yes.

818. Though that is a mistaken principle, is it not an amiable principle in its origin?—I do not know what the origin of it may be; it appears to me that the original design of it was to increase the power of the clubs.

819. Without taking into consideration the fact that it emanated from the central body, what do you think was the motive for this desire in each individual factory?—I think it arose from a desire that every one might be employed.

820. Did not it arise from the fact that the man who was possessed of physical power which would enable him to get 30 *s.* per week would rather have 20 *s.* than that his neighbour should have none?—Perhaps in some cases.

821. No doubt that would be gained at the expense of deteriorating the manufactures of the country?—Yes.

822. Still do not the men themselves do it from a kindly disposition?—Yes; there are also cases in which it is considered as oppressive, but still over-time is liked by the men on the whole.

823. Every man who hopes to rise naturally likes it?—Yes.

824. But still is not the disposition which induces the persons to oppose it a characteristic that would make you think that the men are rather accessible to kindly treatment, and to appeals to their better feelings, such as would be made by a mediating board?—Yes.

825. Did not you state just now that sometimes the strikes terminated to the masters' benefit, and sometimes to the benefit of the men, but more frequently in favour of the masters than for the men?—Rather that they terminate more frequently to the man's harm than to the master's harm.

826. Does not the result depend very much upon the state of trade at the time when the strike arises; if there is a strong demand the masters have to give way; if the demand is not so strong there is no injury to the masters in closing their shops?—Yes, it is so.

827. Are not the men induced to strike when they feel their position is not so good as it had been previously?—Yes.

828. Is not that inevitably the case when there is a slackness of demand?—Yes.

829. Do not they generally strike when they are badly off?—Sometimes they strike when they know that the masters have an order in hand.

830. Do not they strike sometimes when they feel that the trade is declining, and when they cannot by any possibility help themselves?—Yes.

831. Mr. *Cobbett.*] Are not a great proportion of the strikes that take place directed against individual masters?—Yes; they are scarcely ever heard of beyond the particular works in which they occur.

832. In those strikes against individual masters, are not the men very frequently supported by others in the same trade, and by the shopkeepers in the neighbourhood in which they live?—Yes.

833. So that they have two modes of seeking support in the strike?—Yes.

834. Does

834. Does not it frequently result in the master being obliged to give way?—Yes; if it is highly important for him to carry on his business.

835. That is, if his business is good at the time?—Yes.

836. Suppose his business to be bad at the time, so that he may just as well suspend his works, he holds out?—Yes.

837. If his business is good at the time, the chances are that he will be obliged to give way?—Yes; but if he holds out beyond a certain limit, he frequently succeeds. Those who help the strikers get tired, and the sympathy lasts for a short time, but gradually dies away.

838. Were you rightly understood to say that every strike did mischief to those who were engaged in it?—Yes; I think nearly every strike does so..

839. Did not I understand you to say that the immediate result to every striker was, that he was the worse off for it, but that you considered, upon the whole, that it was beneficial?—Unless the men return to their work quickly they are damaged by it.

840. Do you think that if they return to their work quickly, whether they are successful or not, they are not damaged by it?—They must be damaged to the amount of their wages.

841. Do not you think that, although the men may damage themselves by striking, still that those who have to succeed them are the better for the strike, because, upon the whole, it has a tendency to uphold wages?—Yes, that is my opinion.

842. Mr. *P. Urquhart.*] Did you ever know a master forego an order in consequence of his men striking?—Yes; I have frequently known them decline to take an order on that account, and I have also known them send the orders which they have obtained to other manufacturers to carry them out for them.

843. Mr. *Wise.*] When the men take advantage, as you have said that they do, to make a strike, does not that arise very much from the fact of their not having had an opportunity before of stating their grievances to their employer?—Very likely it does.

844. So that they are always, as it were, on the look-out for a fitting opportunity of redressing their grievances?—Yes.

845. You have stated that the workmen have struck generally with reluctance; are you of opinion that, as those strikes are begun with reluctance, they are their only remedy?—There is a remedy by law, but they never seem inclined to take it.

846. Have they any other remedy besides a strike?—None that I know of, except under the Arbitration Act.

847. Viscount *Goderich.*] Would that remedy be open to them in the case of a dispute for wages?—No; I think they may go to arbitration voluntarily on that account; if they can mutually agree, I believe that the Arbitration Act holds good in that case.

848. *Chairman.*] Can you give any reason why they have never had recourse to this Act; is it from ignorance of the existence of the Act, or a dislike to it?—I think now it is from ignorance; but I think originally it was from not liking it; I have frequently heard men say, in ordinary cases, that they objected to going before the magistrate; that seems to be the feeling, and according to my idea that is the objection to the Act.

849. Mr. *B. Blakemore.*] Do you believe that if any mode could be devised to prevent the causes of dispute between masters and men, it would prevent those disputes arising?—Yes.

850. Have you ever turned your attention to the question, how far a more careful proceeding in making the contract between the master and men, before the master employs the labourer and the labourer enters into his employment, might prevent misunderstandings during the period of employment?—It might be possible for a master to enter into such a legal contract with every man as to be binding to each individual man.

851. And bind the master too?—Yes; but it would be very difficult to do this where they are engaged in such great numbers, and where in many instances men are merely engaged for the day, and may be liable to be turned off at any time at a day's notice.

852. In the case of a domestic servant, the master wants a servant and the servant wants employment, and he enters upon that employment on the understanding that he must give a certain notice when he quits that employment; has not

G. L. Molesworth, Esq.

13 March 1856.

not custom so sanctioned that proceeding that it has obtained the force of law?—Yes.

853. Do not you think, that if some improved system of contract between the employers and the employed could be devised, it would very materially tend to lessen the causes of strikes?—I think it would in some measure, still I think there might be some difficulty in carrying it out.

854. Viscount *Duncan.*] Of what nature are the contracts at present made between the masters and the men; are they verbal or in writing?—There is very often a printed bill put up, stating the conditions upon which workmen are engaged; a workman applies to the foreman, and he is employed without any written or verbal agreement at all.

855. Mr. *B. Blakemore.*] Do you think that it would be impolitic, or arbitrary, or unjust, if the Legislature were to require a formal agreement in all cases?—No; I do not see any difficulty at all in that, except it be that, in many cases, the wages rise and fall according to circumstances, so that it is impossible to pay the same wages for any length of time, so that they could not be engaged for a long time at once.

856. Did the strike at Preston originate in an application on the part of the workmen for an increased rate of wages, or did it follow on notice of reduction by the masters?—I do not know the circumstances of that strike.

857. Do you know the custom that prevailed in that district as to notice; could the workmen discontinue to work after a month?—I believe that many are engaged on a week's notice.

858. Do not you think the shorter the notice the greater the liability to a strike?—No, I think not.

859. Do not you think that the shorter the period for which the master can keep the workman, the greater difficulty he will have in keeping them?—Generally speaking, notice is given to the master and he feels the strike approaching before the actual event takes place. Workmen seldom like to turn out at a moment's notice. The storm generally is seen to be gathering for some time before it occurs.

860. Viscount *Goderich.*] Is not it generally the case that a month's notice, or something of that kind, is generally given before a strike takes place?—Yes.

861. Mr. *P. Urquhart.*] Do not the workmen now understand better than they did formerly, the nature of the law which relates to wages?—Yes; the questions now are certainly made more plain to them than they used to be.

862. If there were any tribunals of conciliation which were competent to decide disputes as to wages according to the law, would not that very much tend to prevent strikes?—I think so.

863. Mr. *Wise.*] With regard to the possibility of making contracts with workmen; supposing a contract were made as to the perpetual or permanent employment of an operative, would not that contract necessarily be for a certain time?—Yes.

864. If the master had less work to do, what position would he be placed in?—He would certainly be in a difficulty if his work were to fall off suddenly; but in a great many cases that objection would not hold good; for instance, in the collieries.

865. Is there not one district in which the men are employed for 12 months?—Yes.

866. Mr. *B. Blakemore.*] Does not the number of men employed in many trades constantly vary?—Yes; the number of men employed varies a great deal, according to the nature of the manufacture.

867. Viscount *Goderich.*] Do you think that the masters generally would be willing to make use of tribunals of the kind that have been alluded to?—I think there would perhaps be an objection to them on the part of some; many would object to submit to arbitration. But I think that in all cases, except wages, it might be made compulsory with the masters to submit to arbitration, if the aggrieved party demands it.

868. Do you think that in the case of wages they would be willing to submit disputes with their workmen to courts of this description as a means of preventing strikes?—I think so; I know that there has been manifested a disposition on the part of the masters not to submit to arbitration; they consider that they are individuals, and that, as such, they are each subject to a special contract; that the men have labour to sell and the masters have capital to buy it; and they

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are unwilling to submit to arbitration what they should do with their own property, or to allow an arbitrator who knows very little of the case to interfere between them and those whom they employ; still the operative may say that he has his labour to sell, and it is as fair for one as the other.

869. Then is it your opinion, that if any legislative enactment were framed, it ought to make it compulsory upon the masters to go to arbitration?—I speak rather with diffidence about wages, because it is a difficult question; but I think that upon most other things, it ought to be compulsory upon both parties to go to arbitration if it is demanded by either side.

870. As it is in the mode of arbitration established under the Arbitration Act?—Yes.

871. Mr. *L. Gower.*] You say in all cases except wages; do you think that in all other cases as to future arrangements, except as regards wages, it should be compulsory upon the masters to go to these tribunals? Take the case of machinery; do you think that as to the introduction of any new machinery or any regulation as to over-time, it should be compulsory upon either party to submit to arbitration if it is demanded by the other side?—Yes, I think so; I think it might be decided that such a decision should be binding for a certain period; and that if afterwards when the circumstances had altered they should wish for a fresh arbitration, it should be allowable for parties to come for arbitration again.

872. Viscount *Goderich.*] Do you think it would be possible to introduce such a system as that; do you think that the master should be compulsorily obliged to submit to arbitration as to whether he should use a particular kind of machine or not?—I think so; I think if it were a justly appointed tribunal, those questions should be submitted to its arbitration, and the arbitration should be binding and enforceable for a certain time; I think arbitration would be of little use if it were not so binding, because it is generally known that the parties who conceive themselves to be wronged will not hold to the arbitration if it is only voluntary, whether they do so or not.

873. Do you think, that if an arbitration court were established with the compulsory powers that you have described, after they had been in existence a certain time, and had worked satisfactorily, the masters would be willing to submit disputes concerning wages to their decision?—They might do so, but I think the man who has not justice on his side will not be inclined to submit to a disinterested tribunal.

874. Mr. *Wise.*] When county courts were first established, were they not rather sneered at?—Yes.

875. Have they not since that time become extremely popular?—Yes.

876. Do you think that a kind of mixed jury of masters and men, each party having the power of challenging a certain number of them, might be connected with the machinery of the county court?—I think not; I think that in these proceedings the tribunal should be divested of all legal character whatever. My idea of it was this—that it should not be a standing tribunal, because if it were a standing tribunal it would not be composed of men connected with the trade, or of men who understood the trade, or else it would be such a vast establishment that it would be an enormous expense to the country; my idea is, that for the formation of tribunals of this sort, the whole of England should be divided into a certain quantity of districts, say five, which might be subdivided; the south-eastern division should include London, and a great part of England, up to Northampton and Coventry, and all the hosiery districts; the south-western division would take in the mining districts of Cornwall, and the iron and coal districts of South Wales, and the Forest of Dean iron mines; the midland district would take in the Potteries of Staffordshire and Birmingham; the north-western division would take in Lancashire and Ulverstone, the Welsh slate quarries and copper mines; and the north-eastern division, which would take in the Newcastle district, the collieries and the chemical works of the district, and all the manufacturing district of Yorkshire. A president should be named to each of those districts by the Crown, and paid by the Crown; then as to the constitution of the tribunal, when any dispute arises between a certain number of workmen, or even a few workmen, and one master, they should name a certain number of people as a tribunal; let it be four on each side, or six on each side.

877. Viscount *Goderich.*] Four of what position?—Four workmen and four masters, or six workmen and six masters; it should not be a legal tribunal in

G. L. Molesworth, Esq.

13 March 1856.

which those men were examined; but they should sit, and examine witnesses; and the president should not act as judge upon the occasion, but he should merely be like one of them, keeping them from irrelevancy, personality, and directing generally the proceedings of the case; he should act as moderator, so that the members of the Board should feel that the arbitration was their own act and deed. Then, for convoking this assembly, I would propose, that in case the president was applied to by any party aggrieved, he should write to the magistrate, appointing a day for being on the spot, and requiring him to provide a room, and the necessary police force to keep order, as well as to see that the representatives were appointed, and everything prepared before the arrival of the president. That there should be no cessation of work among the disputing parties, but the award should date from the time of application to the president, and be in force from that period. That the representatives should examine any witness on oath; and that the matter should then be decided by their own votes, six on one side, and six on the other, the president giving the casting vote.

878. *Chairman.*] Is not that in opposition to the evidence you have given before, which was, that there was a great disinclination among the working men to have any reference to the magistrate, inasmuch as in this statement it appears that the magistrate would be the person to whom they would go in the last resort?—The magistrate would have nothing to do with settling the award, he would merely make the arrangements.

879. Mr. *Wise.*] By the word "magistrate," you mean the local authorities?—Yes.

880. The mayor, or the authority who has a right to grant the use of the town-hall?—Yes.

881. *Chairman.*] Is not that in opposition to the evidence given before the Committee, which tends to show that the operatives have a great dislike to go to the magistrates, or to any judicial authority?—They would not go to the magistrate; they would apply to the president, requesting him to make an award, and the president would apply to the magistrate.

882. Mr. *Wise.*] Need he necessarily apply to the magistrate?—No; but it would be necessary for some local authority to see everything arranged.

883. Is it not precisely the same in the county court; the county court judge having no room, except what is provided by the public, is it not his practice to write to the mayor, and to say, "I am coming to your town on such a day; will you have a room ready"?—Yes.

884. Viscount *Duncan.*] Do you contemplate that the appointment of president should be perpetual?—Yes.

885. And that it should be a paid appointment?—Yes.

886. With respect to the rest of the tribunal, do you propose that they should be paid or unpaid?—I propose that they should be paid while they are sitting; that they should be formed for the time, and be paid; but that their payment should not be too great, or else they would be tempted to make discussions in order to get payment.

887. Do you think that the question as to what sort of machinery should be used in any trade should be referred to these tribunals?—I may refer to the statement that I made before, that sometimes strikes arise in consequence of machinery being employed where hand labour had been before employed.

888. Mr. *Cobbett.*] Does that apply to your own trade particularly?—No; to almost every trade.

889. Viscount *Goderich.*] Do I understand you to say that you would have arbitrators appointed in each particular case of dispute?—Six arbitrators for the workmen and six arbitrators for the masters should be appointed by the men and the masters on a particular dispute.

890. Should they appoint fresh arbitrators in each particular case?—Fresh arbitrators in each case.

891. You would prefer that plan to their being appointed by both classes in each trade from time to time?—Yes; I think it would be so difficult to get men who understood the trade; these questions affect so many different sorts of manufacturers, that the nomination of one set of arbitrators would not answer the purpose.

892. Must they not be nominated for each trade?—The trades are so very large; I have a list here of trades that will be probably affected by this rule; I have just drawn out this list roughly as it occurred to me; there are a great many

many more trades than those, and some of those are occasionally consolidated together.

893. How many are there altogether, according to your list?—Nearly 200, at a rough computation.

894. *Chairman.*] Will you hand that paper in to the Committee?—[*The same was delivered in.*]

895. Viscount *Duncan.*] If I understand you correctly, you do not think that the men in one trade would be sufficiently acquainted with the other trades to act as arbitrators in disputes concerning them?—No; it would be too large and expensive a tribunal if there were to be one member nominated even for every one of these trades; and another thing is, that I think they should be people belonging to the place, or near the place, where the dispute occurs.

896. Viscount *Goderich.*] Do you think that if the arbitrators were nominated on the occasion, there would be a danger that the most violent people on both sides would be appointed?—They would, probably; but still they would have an opportunity of discussing the matter, and voting and examining the witnesses, and the casting vote would be given by the president.

897. You think if they were nominated from time to time, and not with reference to each particular dispute, it would be very expensive; how would that be more expensive than the plan which you propose?—For this reason, that the tribunal always existing would have to consist of more than 200 people; supposing that you chose Boards for each particular trade, you would have to pay their travelling expenses to different parts of England, or that you would have to pay the travelling expenses of the witnesses, or else they must be nominated to different districts of England, and then, from the number of trades and operatives, the 200 would be multiplied by as many times as it was necessary to form districts.

898. At the same time, if it were a standing committee, the members would be paid only for the time they actually attended?—Yes; still the subject of strikes is such a large one, that their whole time would be engaged, and you would be obliged to transport them from place to place.

899. For example, might there not be a permanent tribunal for the cotton trade of Manchester?—There might be for some of the largest trades; for the iron or the woollen trade; there might be one for the engineers.

900. Do you think it would be of advantage in certain great trades, which are particularly liable to strikes, to establish a standing tribunal of arbitration?—I think it would for the various large trades.

901. Do not you think that persons would probably be more inclined to have recourse to the services of that tribunal than to the one which you have suggested?—Yes, and their discussions would be carried on more coolly, and also the persons composing the Court of Arbitration, if it was a standing tribunal, would have had great experience in those cases, and would therefore conduct them better than if they were composed on the moment. I fully recognise the objection made to raising them on the moment; but I think that in the little trades it would be necessary to do something of that sort, because the questions which arise are so very extensive.

902. Do you see any objection to the people engaged in the same trade sitting together on the tribunal; would not they be likely to understand each other better than those engaged in different trades?—I think so, if the president controlled all personality, as it would be his province to do; it would create a better feeling and greater knowledge of each other than at present exists between the contending parties; persons are generally very ignorant of each other in strikes.

903. In the case of a standing tribunal, is not it possible that the members of that tribunal might have considerable personal influence in preventing disputes ever coming before a tribunal at all?—Yes.

904. Mr. *B. Blakemore.*] Are you of opinion that sufficient power could be given to these courts, so as to enable them to decide upon these matters in dispute fairly and justly, without the compulsory production of papers, and the examination of books?—I think it would be difficult.

905. Would you give these courts the power of compelling the production, on the part of the masters, of their books and papers?—I think it would be necessary to do so.

906. Do not you think that that would be inconvenient and embarrassing to the masters?—It would certainly be inconvenient and embarrassing to them.

J. L. Molesworth, Esq.

13 March 1856.

907. Would it be dangerous to them in their competition with each other?—Yes, it might have that effect.

908. Would you make the submission of all disputes between all masters and all workmen in all the different districts which you have enumerated compulsory or voluntary?—I think it would be difficult to make it compulsory in the cases of wages; in most of the other cases it should be made compulsory; if it were voluntary the unjust parties would be apt not to carry out the intention of the award; but I think wages also might be brought to that tribunal if it were agreed, as directed under the Arbitration Act, by the workmen and the masters to come to arbitration, and then, having come to arbitration, I think that the award should be binding.

909. *Chairman.*] Do you think it would be possible to go as far as that in the case of wages?—Yes; I think if in each individual case the masters and men agreed to come before the tribunal, the award should be binding for a certain time.

910. Mr. *B. Blakemore.*] In the list which you have handed in to the Committee there are various branches of trade, in some of which the masters employ 1,000 men, or 4,000 or 5,000, while in others they employ only five or ten; should a master who employs only 10 men be reckoned in the election of representatives to the Boards of Arbitration as equivalent to a master who employs 1,000 men?—No, I think that that would scarcely be fair.

911. How would you get a tribunal to which the small masters would be inclined to submit as well as the large masters?—Some of the small masters are so nearly allied to workmen that their vote would be almost a workman's vote.

912. How would you propose that the four or six masters and the four or six men should be elected out of the vast number of masters and the vast number of men to be represented in the Board?—I should propose in a small case, where any particular question arises between a master and his workmen, that the master should name his own arbitrator.

913. Suppose an employer has agreed to the establishment of these courts, should his submission to arbitration be compulsory, and should it supersede his power to take advantage of the Arbitration Act, or to take legal proceedings?—If he has agreed to enter into arbitration he should be bound by it.

914. Supposing he has agreed to enter into arbitration, how do you mean to bring such a man within these Courts of Arbitration?—It would be very difficult to force it upon him in the case of wages.

915. In the case of piece-work, or anything found to be a grievance on the part of the workmen, how would you compel a man who had expended 2,000 *l.*, 3,000 *l.*, or 4,000 *l.* upon his establishment to submit to these Courts of Arbitration, which might be composed of men who have a very inferior amount of capital, and of working men, with scarcely any capital at all?—There would be a difficulty in doing so.

916. How can you make the establishment of these courts in these districts compulsory?—I think it would be necessary for the masters to vote for their representatives in the arbitration, according to the number of workmen employed by them; say a small master employed 10 men, he should have one vote, while a master who employed 100 should have 10 votes.

917. However desirable these courts may be, is there not great difficulty, first as to the establishment of them, and also as to how, when established, they should be made to over-ride the existing law, by compelling all masters and workmen to have resort to them, and not to courts of law?—Yes.

918. Viscount *Goderich.*] Are you aware that in France, at one time, there existed a system, which has now been abandoned, by which the master elected the workmen who were to appear at the tribunal, and the workmen elected the masters?—I never heard of it.

919. Do you think that that plan would work well or not?—I think that there are objections in the way; the master would probably pick out the most stupid man, or a man whom he had bribed; the master would have no difficulty in tampering with the men.

920. Mr. *Wise.*] Are you aware that in the present Act of Parliament one of the subjects for arbitration is the introduction of new patterns requiring new implements?—Yes.

921. Does that extend to the use of new machinery?—No; that refers to implements for the workmen's use.

922. Do you propose in giving this council power to interfere with machinery,

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to extend it so far as to affect the application of new machinery; supposing, for instance, that in the shoe trade, which is now almost entirely, if not entirely carried on by manual labour, a machine were invented to supersede manual labour, do you think that this council or jury might undertake to decide the question as to whether the machine should be introduced or not?—I think so; if the tribunal was a sensible and disinterested one, it might decide the matter very shortly.

923. Mr. *L. Gower.*] Would you consider that the introduction of fresh machinery is a just ground of complaint to workmen?—No; I do not think it is.

924. If you think that it never is a just ground for complaint, what are these tribunals to decide?—They may decide that it is no just ground of complaint for the workmen.

925. These tribunals have to decide between the masters and the workmen; in what case would they have anything to decide?—The workmen might say, "We will not work in your manufactory if you have these machines." The case might be brought before arbitration, and the award of the arbitration might be, that it is not a just case of complaint; that the manufacturer may employ what machinery he likes.

926. Is not it necessary in these cases that every decision must be upon one side; can you state any case in which the decision would be upon the other side?—With regard to machinery, I think in most cases it would be so.

927. Mr. *Cobbett.*] Was not that point which arose in the mechanics' strike; did not the mechanics object to some use of machinery?—No; in the mechanics' strike the objection was to men working at two machines. In self-acting machines, in planing machines, for instance, a man may set work upon a machine; he may set the machine at work, and the machine would work for half an hour or an hour without his paying any attention to it, so that he may go to another machine and set work upon that machine.

928. Viscount *Duncan.*] Does not that enable the master, by the employment of one man instead of two, to produce the same amount of labour more economically?—Exactly.

929. Mr. *Cobbett.*] The question is, would you submit to arbitration the question, whether any particular machine should be used or not?—Yes; but I think the question would never come before arbitration.

930. Did not that point arise in the mechanics' strike, according to your description of it?—No.

931. Mr. *Wise.*] Should the jury discuss this question on the principle of its being injurious to the working classes, or simply as a dispute between a particular master and men whose case was before them?—I think that they should discuss it as disinterested people; that must rest between themselves and their consciences. The tribunal should decide as they thought fit.

932. Do you think that that decision should be binding?—I think that unless the decision is compulsory, there is very much temptation for a man who feels himself wronged, to evade it. I have seen that in many cases of common arbitration; if it is possible to get out of it, though the referees had been named by the party who objects, still, if he objects to the award after it is given, he will not abide by it.

933. Viscount *Duncan.*] Is not the object of the introduction of new machinery by the masters in all instances to produce the article wanted in the market more economically than was produced by the machinery previously existing?—Yes.

934. Do you think that these tribunals should interfere and force him to employ the old machinery instead of the new machinery which he is anxious to introduce?—I do not think sensible men would interfere in such a case.

935. Mr. *Cobbett.*] Do you anticipate that they would ever have to decide such a case?—They should decide the case, but I do not imagine that any man would decide against the machinery.

936. Mr. *B. Blakemore.*] Supposing that the time should ever arrive, that the stone should be laid on, and the mortar spread on the stone by machinery; do you think that that would be a case for arbitration?—Yes.

937. If a master chose to employ that machinery, would it be a case for arbitration?

G. L. Molesworth, Esq.

13 March 1856.

arbitration?—If the men refused to work under him because he used machinery, the question should come to arbitration.

938. Mr. *P. Urquhart.*] Supposing that a farmer used a thrashing machine instead of having the thrashing done by workmen, would that be a case for arbitration?—Yes, if the workmen struck.

939. Viscount *Goderich.*] You do not propose that these courts should decide general questions, but that they should only decide the particular cases that come before them?—Just so.

940. Mr. *Ingham.*] We may reasonably suppose that no workman would decide against the right of the master to introduce any machinery that would do the work more economically than it had been done; but might there not be some question as to the mode and time in which it should be used? Supposing that an article were produced partly by mechanism and partly by manual work, and that in the mechanical part of it a new machine were introduced, which made the performance of the manual labour of the workman who had to co-operate with the new machine, more irksome than it was during the existence of the old machine, would not that be a question for arbitration?—Yes.

941. Without prohibiting the use of the new machine, might it not be reasonable to say that until the workman had learnt to work well with the new machine he should have an advance of wages?—Yes.

942. Might you not thus facilitate the introduction of new machines?—Yes.

943. *Chairman.*] You do not propose to prevent the introduction of new machinery, but only to decide as to the mode in which it is introduced?—Just so.

944. Mr. *Ingham.*] Did not you say just now, that you thought the French scheme, which has been abandoned, of having a Board of masters and men, the masters choosing the workmen and the workmen the masters, would work injuriously, because the master would choose stupid workmen, or men whom they might bribe?—Yes.

945. Do you know that in that case the choice was made at the beginning of the year, without reference to the particular cases that might come before the court?—Yes.

946. Would any person wish to have either corrupt or unintelligent arbitrators, unless he thought he had a bad case?—He might put in a man who was very much under his influence.

947. Must not the interest of everybody be to get a moderate and intelligent man to perform the duty of arbitrator?—I think very likely the master might put a man in who was under his own influence.

948. Is not that on the supposition that the individual anticipated, when he chose the man, that he was going to have a difference with his workmen?—In the larger cases it might be advantageous, but in smaller cases I think it would be dangerous.

949. Would not the same persons act in the larger cases as in the smaller cases?—Yes.

950. In France there is a twofold distribution of arbitration districts; that they appoint particular Boards to distinct localities of narrower compass than those which you have mentioned, and also Boards for particular trades; have you ever thought how that would operate in England?—The trades are so numerous in England, that it would be impossible to do it.

951. Would not it be dangerous to allow these persons to inspect the books of different manufacturers?—Yes.

952. Might not you get rid of the danger to competition between different manufacturers, by grouping the trades together, comprehending all those connected with metals in one group, and all the fictile trades, tile-makers, and so on, in another, and all textile manufacturers in another, and so forth?—Yes; I have classified them on that principle.

953. If there were one set of arbitrators for each group of trades, would you not have men of great intelligence, who, though not connected with the trade in which the dispute arose, would be connected with cognate trades?—I think that is certainly part of the consideration; in fact, I have thought the matter over for some time, and formed this list for the purpose, classifying them under several heads.

954. Would not the same arrangement very much remedy the just apprehension that was suggested, of one manufacturer not being willing to expose his

his books and regulations to a competing manufacturer in his own business? —Yes. *G. L. Molesworth, Esq.*

955. Then the French system is not open, upon examination, to either of the two objections which occurred to you?—No, perhaps not. 13 March 185

956. Viscount *Goderich.*] A question was put to you with reference to the difficulty of selecting the representatives of the masters in these Boards; have you considered the difficulties that would be likely to arise in determining who were to choose the representatives of the men?—There would certainly be a great deal of difficulty in doing that, but I should think that a large court of operatives should meet together; supposing it was a case affecting a great many manufactories, the men of each individual mill should meet together, and each elect one from their set; these men, thus elected, should meet together, and elect a certain number of men from themselves, and so go on until they get the actual number.

957. Would you propose to constitute a constituency of all the men in the trade actually employed at the time of the dispute?—Yes, if those men were all concerned in the dispute.

958. With reference to the permanent tribunals, would you adopt the same course?—Yes.

959. Mr. *B. Blakemore.*] Would you have these courts closed or open?—I think that it would be better to have them closed, for several reasons. In the first place, on account of the production of the masters' books; and, secondly, that the votes which were given by the men should not be known to their fellow workmen, or to the masters, because it would hold them up to odium among those whom they voted against.

960. Mr. *Wise.*] If I understand your evidence, you are of opinion that some mediating authority between the employer and employed, would be in all cases of dispute a most desirable arrangement?—I think so decidedly in all cases of dispute, whatever they might be.

Mr. *Robert Essery*, called in; and Examined.

961. *Chairman.*] WILL you state your occupation?—I am the secretary of a tailors' trade society, one of the six societies which constitute what is understood as the union, or the principal part of the trade at the West End. *Mr. R. Essery*

962. I suppose you know the purpose of this Committee; will you have the goodness to state to the Committee your impression on the subject of Councils of Conciliation?—My impression from many years' observation is, that in consequence of the absence of an authority, such as Local Boards of Trade would constitute, there are a great number of grievances existing throughout the trades generally. In my own trade it has been felt on many occasions very severely; we have not been operated upon in the wholesale manner that many of the manufacturing districts have, still it is a constantly recurring evil. We have the principle of arbitration at present in use among us; I think I may as well state to the Committee at first our mode of action in the case of a dispute arising from whatever cause, whether the reduction of men's wages or ill treatment of any kind; we act at present, and have done so for a long series of years, although without the authority which I could desire, upon this principle. If a man feels himself aggrieved, his wages have been reduced, or he has been insulted by the foreman, or has been discharged without any just cause, he applies to the society, and states his case on the first meeting night; they then investigate the matter, and appoint a deputation from the society who wait upon the employer; if they succeed in settling the matter satisfactorily, so much the better; if, on the contrary, they do not succeed, the result is reported to the society on the following week; it is then sent to a general committee of the trade, who in their turn investigate the case and appoint a deputation, who in their turn wait upon the employer; if they succeed in their attempt, we are satisfied; if they do not succeed, a strike is the result

963. Mr. *Kinnaird.*] Do you mean a general strike, or a strike of that shop only?—A strike in the particular shop; if the dispute involved a general question, of course it would involve the union generally; the Committee will observe, that we have, as far as we can, always acted upon the principle of arbitration, availing ourselves of the double action to which I have referred, to avoid anything in the shape of mischance.

Mr. *R. Essery.*

13 March 1856.

964. *Chairman.*] How often do these disputes arise?—They are sometimes more, and sometimes less frequent.

965. Within the last year, how many have there been?—I should think that within the last year we have not had above two of those disputes, and those were of a trifling character; but they have always involved the same matter, and the same process has been resorted to for the purpose of settling them.

966. Are they fewer now, or more frequent than formerly?—I should think they are fewer; I wish to speak more particularly of my own trade; though well acquainted with the general principles, having paid a great deal of attention to them, I am not so well acquainted with the particulars of the disputes in other trades.

967. To what circumstance do you attribute the fact of their being less frequent now than formerly?—I think it arises from two causes; a very large reduction has been made in the wages of our men of late years, and repeated attempts have been made to prevent those reductions if possible; and the failure, in many cases, of those attempts has been the first cause of the decrease in the number of disputes of late years, and in the second place, in the cases that do arise, I think that the greater accessibility of our employers at the present time, and our being able to meet them face to face, is also another cause of this decrease; the better feeling which exists between the masters and the men often prevents the disputes from arising at all. Those with whom the cases principally arise, are persons of rather a self-willed character; the better disposed class of employers at the present time do not like to have themselves mixed up in anything that has the appearance of injustice.

968. Viscount *Goderich.*] Do not you represent the better paid class of tailors?—Yes; our men are engaged in the West End trade.

969. Mr. *Cobbett.*] What is the number of tailors or journeymen tailors connected with your society?—The last monthly returns of my own society give 445; and the returns of the union give 2,136.

970. Does the union extend all over the metropolis, or only the West End?—We have very litle indeed to do with the east end of the town; we have a few shops in the east end, but they are of very small importance compared with the great body of the shops.

971. Are not the most material differences between yourselves and the employers as respecting wages?—Yes.

972. What are the arguments which have been used by the masters generally for the reduction of wages of late years?—The general argument is that of the existing competition; and the common form in which they put it is this: "You see the competition to which we are subjected; noblemen and gentlemen go to those places where they see things ticketed up at such a price; they are not above going to such persons; we find our trade leaving us in consequence, no matter whether the things are supplied either good, bad, or indifferent; the fact remains, that it is impossible to maintain the present rate of wages unless you can find some means of restricting the dishonest trader." The question being so put to us, we find ourselves at the present unable to restrict the dishonest trader, and unfortunately for us we have to succumb in most cases to the masters' circumstances.

973. Has there been in your trade a reduction in the price of labour lately?—A very material one.

974. Viscount *Goderich.*] Can you tell the Committee what is the difference between the rate of your wages now and that which existed 10 years ago?—Yes; I have with me a pamphlet which we had published in the year 1850, in consequence of a very considerable agitation; it may be in the remembrance of the Committee with reference to our trade at that time, that we held meetings, and appealed to the public in the chief places of the metropolis; we had a meeting in the Hanover-square Rooms, one or two in St. Martin's Hall, one in Exeter Hall, which the "Times," which is far from being our friend, described as the most extraordinary meeting ever held in that hall.

975. Was that the time of the publication of certain letters upon the subject in the "Morning Chronicle"?—Yes.

976. *Chairman.*] What was the number that attended those meetings?—We always more than filled our places of meeting. The common estimate, I believe,

I believe, of Exeter Hall is, that it will contain above 4,000; and at that place we had considerably more than could find entrance into the building.

977. Mr. *Kinnaird.*] Was that meeting confined to the men in your trade?—Yes.

978. *Chairman.*] Will you state also to the Committee what was the result of that meeting?—I will read to the Committee some matter in connexion with this. I will read the description given by a witness of the nature of the work. This is Messrs. Nicolls' work, which may be taken as the type of all the cheap tailors. "I have made every description of coat in the establishment. The pilot cloth capes, bound all round the bottom with braid, I get 6*s.* for; they take two days each to make; a Witney coat, double stitched all round, I get 10*s.* for, and each one takes me three days' hard work. I am sure no man can do it in less. The 18*s.* coat that I mentioned before has ten rows of stitching all round; to convince you, just count them yourself. If the capes are made of hard box-cloth, we get 12*s.* for them, and they take every one of them four days to make. You see the master averages our work at 3*s.* a day." Our wages are always calculated upon the estimate of 6*s.* a day, and the public are under the impression that we get 6*s.* a day; unfortunately, we find the reverse to be the case.

979. What do you get?—Our workmen principally, at the present time, do piece-work; there is scarcely any workman at day-work in our trade; in my own society we only have one day-working firm.

980. If you work by piece-work, how can you have any dispute with the masters about wages?—This is the way the disputes arise. The master has an order for making an ordinary dress or frock coat, made in a certain way; he sends to me to send in two, three, four, or as many men as he requires; the men go in; and they go in of course expecting that the specified wages should be paid; but they find when the work is done that the master or his foreman says, "I shall only pay so-and-so for this." The men say, "You never told us that at the commencement; we have always been paid 18*s.* before; we cannot take this money." He says, "Well, you can do as you please, I shall not pay any more." The consequence is, the men refuse to take the wages, and speak to the society; the process is then resorted to which I have described. Sometimes the master will say to the deputation, "Well, as you have come, I will pay the price in this case; but I shall not pay it any more." We say, "Very well, if you do not choose to pay it in future, it is your business; but you sent for these men; you never gave them the option of taking less wages, and of course we expect you will pay the same price as you have paid hitherto." That is one way in which disputes arise. Another way is as follows: I get an order, perhaps, to send a man in the first thing in the morning. The man goes in at the ordinary time, under the impression that he is going to a day's work. When he gets into the shop at seven o'clock, he finds no work there for him; he waits till nine or ten o'clock; at ten o'clock he applies for work; he is told he shall soon get work; he waits till twelve, and then asks for work, and is told, "You shall have it by-and-by;" he comes back, and gets no work till five or six o'clock; so that, in point of fact, by the time his day is expired, the man receives 1*s.* 6*d.* or 2*s.* 6*d.*, instead of 5*s.* or 6*s.*, which he expected. This is a considerable source of annoyance, but unfortunately there is no authority to control these kind of proceedings; and under piece-work the means possessed by the masters and foremen of multiplying such things is unlimited.

981. What would you suggest as a remedy for these differences between the masters and workmen?—I can see no other means of meeting the thing but by the establishment of Local Boards of Trade.

982. What do you mean by that?—I mean a tribunal that should take cognizance of all matters in dispute between workmen and their employers.

983. How would you constitute that tribunal?—Having for some years paid particular attention to the subject, I have made use of the best means in my power to satisfy myself as to the best modes of arbitration; I have notes here proving that the system of arbitration has been a principle held in high respect from the earliest times downwards. I find that Aristotle compares an arbitrator to an altar, as being a refuge for the injured. If we start with the experience of 2,000 years, we find that the same feeling prevails down to our own time; and then I think I shall be abe to show to the Committee, beyond all possibility of doubt, that such a tribunal is very desirable in its nature and character. It would appear that two modes of arbitration prevailed at Athens.

Mr. *R. Essery.*

13 March 1856.

984. Will you give your opinion with reference to the present state of things?—Perhaps a case more in point would have been that of Denmark. In Denmark and its dependencies at the present time there exist courts of arbitration or conciliation; those courts were established about the year 1795, and are said to be attended with extremely beneficial effects. In Copenhagen the court is composed of one of the judges of the higher courts of judicature, one of the magistrates of the city, and one of the representatives of the commonalty; in other towns the chief magistrate proposes five or six of the more respectable citizens for arbitrators, of whom the commonalty of the town elect two; in the country the bailiffs or sheriffs are the arbitrators, and generally act personally, but in extensive districts they appoint deputies; all civil matters may be referred to them; in the country they sit once every week, in the capital as often as required; if the parties are dissatisfied with the arbitrators, they are at liberty to apply to the Court of Justice, but only after having applied to the Court of Conciliation. These courts, which are attended with small expense, soon multiplied rapidly in Denmark and Norway, and are said to have produced an astonishing decrease in the amount of contentious litigation. Reference has been made in the Committee to the system at present existing in France; the system that at present exists in France is based on the Roman law of arbitration, which differed materially from that of Greece. What I would suggest, with great deference to the Committee, is, that an extension of the present Board of Trade, with perhaps the addition of an officer of a similar character to the Judge Advocate, should be a nucleus from which these local boards of trade should arise.

985. You stated that there was a difference between the Greek and Roman mode of arbitration; will you state what that difference is?—The Greeks had two modes of arbitration. The first was, that a number of persons were chosen annually, from which those who were to decide each particular case were afterwards chosen. They sat in a public court. An appeal was allowed to the ordinary courts of law from the decisions of those arbitrators. The arbitrator in that case sealed up all the papers and documents connected with the particular case, and transmitted them to the court, who decided thereon. But no appeal to the ordinary court was allowed until the arbitrator had first been applied to. The suitors were to pay the expenses of the arbitration. Then the second mode approaches very much to arbitration as carried on under the 3d & 4th of William the 4th, being an arbitration simply by a written agreement and submission of the parties. They agree to refer certain matters to arbitration, stating their intention to submit to the decision of such arbitration. I think that under the 3d & 4th of William the 4th, it will be found that parties so referring their disputes to arbitration are liable, if they do not comply with the decision of the arbitrator, to an action at law on that decision. The Roman law, on which the French law is chiefly based, consists of three kinds: the first, voluntary; the second, compulsory, which chiefly related to partnerships, and is at the present time, as far as I can learn, almost wholly confined to matters connected with partnerships; and the third (which was called Amicable), was very similar in its nature to the second mode under the Greek law, viz., the parties agreeing to refer to an arbitrator certain matters written down, and binding themselves to abide by the result. In case they refused to abide by the result when so given, an action lay before any of the common courts upon a written submission.

986. Sir *H. Halford.*] From what sources have you derived this information with respect to the Greek and Roman law?—I derived it from the articles on arbitration in various works, chiefly in the Encyclopædia; it has been my study for many years, feeling the want of Boards of Arbitration, to avail myself, so far as my humble means could go, of any information that I could obtain on the subject. What I have just read to the Committee is what I conjectured would be requisite to show, that in all ages, in all countries, and under all circumstances, the principle of arbitration has been held to be best for the settling of these contentions. What I would suggest to the Committee to meet the purpose required, would be the extension of the present Board of Trade, with the addition of an officer of a similar character to the Judge Advocate. I think it would be highly desirable that any Board that may be established should spring from an extension of the Board of Trade.

987. *Chairman.*] What is your reason for that opinion?—My reason is, because at present it is that part of the Government which takes cognizance, to a great degree, of trade matters, and is above any possibility of local partiality or prejudice.

prejudice. In the second place, I would desire to see county Boards established, emanating, as I before observed, from the Board of Trade, with the sheriff as the presiding officer; the members of the county Boards should be elected from the ablest members of the local Boards, by the members of the local Boards. I think it is desirable that, in any attempt to establish tribunals of the character sought, we should avail ourselves as much as possible of the existing local well-known machinery, and for that reason I have availed myself, in the case of the county Boards, of the sheriff.

988. Mr. *Wise.*] Are you aware that the sheriff always acts by an under-sheriff, who is a lawyer, and that all the witnesses have objected extremely to any law proceedings?—I understand that to apply to ordinary magisterial interference, and not for a moment to any legal gentleman examining into a matter of this sort.

989. Do you think that a person in the position of a high sheriff is fitted to take the position of president of a Board of Trade?—I think, if the sheriff is qualified to preside in the important affairs he does preside in, he is qualified to preside in these courts.

990. Mr. *B. Blakemore.*] Does not it often occur that in many counties the high sheriff is himself a large manufacturer?—Yes; I am aware of that. Still it occurred to me that the high sheriff is a man who, from his position, is above suspicion, and who would therefore be suitable as the chairman of such a Board.

991. Mr. *P. Urquhart.*] Could the sheriffs find sufficient time for that duty?—Of course the Committee must form their own opinion upon that point.

992. Mr. *Kinnaird.*] Has your association taken any cognizance of the sewing-machine?—Yes.

993. Are not they increasing in number, not only in London, but throughout the country?—Not that I am aware of. There is a great deal of misapprehension existing in reference to the sewing-machine; in truth, it is not a sewing-machine at all.

994. What line has the association taken with respect to that; has it resisted the introduction of the sewing-machine?—The sewing-machine does not affect us at present, except by imposing upon the public by leading them to believe that it will reduce the price of our labour.

995. Is not it the fact that there are shops of tailors' clothes entirely made by machines, those machines being guided and directed by women?—Not to my knowledge.

996. Do not some masters employ women in the trade?—Yes.

997. At a lower rate of wages than men require?—Yes, always.

998. What course has your association taken with reference to the machines?—They have taken no course at all with reference to them, except to attempt to disabuse the public mind of the impression which it has, that they are really machines which will reduce the price of labour by their general employment in the trade; which is a complete fallacy.

999. *Chairman.*] Cannot these machines sew?—They simply stitch; the stitch which the machine makes is simply that which appears upon the back of a glove; it is what is known as a chain-stitch; it forms no part of tailoring whatever.

1000. Sir *H. Halford.*] Then no application whatever of the sewing-machine will injure manual labour?—Not directly, but indirectly; it has done us considerable injury.

1001. In what way?—The public take up with the plausible statement that these machines are sewing-machines, and that, in consequence of the use of those sewing-machines by unscrupulous traders, the price of labour can be materially reduced, which is an injury to us.

Jovis, 3° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Mackinnon.	Mr. Apsley Pellatt.
Mr. Wise.	Lord John Manners.
Mr. Pollard Urquhart.	Mr. Ingham.
Viscount Goderich.	Mr. Cobbett.
Mr. Kinnaird.	Viscount Duncan.
Mr. Leveson Gower.	Mr. Gordon.
Sir Henry Halford.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

William Felkin, Esq., called in; and Examined.

W. Felkin, Esq.
3 April 1856.

1002. *Chairman.*] WILL you state your position in life?—I am a manufacturer of hosiery and lace at Nottingham. I was mayor in the years 1850–51, and 1851–52.

1003. You are a county magistrate also?—I am a magistrate of the borough of Nottingham.

1004. Have you frequently had references made to you as a magistrate?—In cases of difficulty, as between masters and men coming before the bench, I have had frequent occasion to go into them, and to endeavour to adjudicate upon them, when we could not make arrangements, which I have always preferred as between the parties. It has been my conviction, that to attempt to adjudicate when we could practically arbitrate, was not desirable; and we have been so successful in our efforts as not to be obliged to adjudicate in one instance. A large number of disputes have been arranged, principally upon the suggestions made by the bench.

1005. Have you had much experience as to strikes between workmen and masters?—It has occurred to me during the last 30 years frequently to make investigations into the condition of the trade of this and of other countries; and, amongst other matters, I have necessarily addressed myself to the question of strikes as they have practically occurred, here and elsewhere, during that time; for instance, in regard to the Derby strike, which occurred about 20 or 22 years ago, I read at the Statistical Society of London the particulars which I gathered up from the various proper sources with regard to that strike; and in regard to the other strikes which were of great magnitude and great importance, I have paid considerable attention to them.

1006. Is it your opinion that the mass of workmen prefer these boards of equitable conciliation to having recourse to judicial authority?—I think both the employers and employed are indisposed to the interference of the magistrates as magistrates; it wears the appearance, necessarily, of a question of misdemeanor, or something beyond either misconduct or misunderstanding. Although I am aware that there is an Act of Parliament that would allow of arbitration, it has been scarcely ever in my experience appealed to; there is a dislike to it; and I apprehend that that dislike is inherent in human nature, and in the relative position of the masters and the workmen. I think, as far as my knowledge of the opinions of my brother manufacturers is concerned, and of the mass of the workpeople with whom I have communicated at various times, the mass of the thoughtful persons with whom of course I should chiefly communicate, and whose opinions I should value, would vastly prefer the opportunity of adjustment, apart from either a strike on the one hand, or magisterial interference on the other, as the result of some degree of violence probably, or disputation among themselves.

1007. Is

1007. Is it your opinion, that if some sort of tribunal, such as you mention, were established, strikes would become less frequent?—If that tribunal were universal in its application, that is to say, if it embraced the whole country, and also if all subjects connected with the position of the masters and the men were brought before such a tribunal, then I apprehend strikes would be an impossibility; the two could not co-exist.

1008. Supposing the operatives or workmen were determined to obtain a certain amount of wages or of compensation, and the masters were determined not to grant it, would not that lead to a strike?—I do not think that a strike would occur, because I do not apprehend that it is the interest of either party to push it to that extremity. In every instance of a strike that I have yet known, the circumstances originating the strike, as far as I have been able to understand them, have all been comparatively slight; it has gradually increased into a difference, or into a strike; and, pressing things to extremities, neither party eventually have settled upon the exact position that they had occupied at the beginning; it has been a virtual compromise at the end; and consequently my experience of strikes, both in reference to the masses of the men and in regard to the masters with whom I have had intercourse, is, that they would use what means they could to avoid a matter which must be in itself extremely to be deprecated, for the interest and comfort of either party.

1009. I understand your evidence to come to this point, that strikes are equally injurious to the masters and to the workmen; and that, if there was not a great excitement on the part of both sides, these strikes, being so injurious, would not take place?—I apprehend not.

1010. Would not the having something like equitable councils of conciliation obviate the strike altogether?—Yes. It will be understood that my evidence will go to this, that the equitable court shall be one in which both the workmen and the masters shall appear as parties to the arbitration. I apprehend that it is not necessary that there should be a representation of the masters and a representation of the men merely, but that there should be such a representation of all the parties engaged in the trade of any locality as on the whole might be considered calculated to be satisfactory; and my experience hitherto, in my endeavours to adjust these matters, leads me to the conviction that either party would agree to appear before a court so constituted.

1011. You have paid a great deal of attention to this subject, and have had considerable experience; could you state to the Committee what description of council would, in your opinion, be most desirable?—May I be allowed to say, that when I translated and compressed the laws affecting the Conseil de Prud'hommes in 1834 or 1835, a copy of which I have handed in to the Committee, my own mind was not made up as regards the possibility of the introduction of such courts, just as they stand in France, into this country. There are differences of so marked a kind in the position of English masters and English men, as contrasted with the position of French or Belgian masters and their workmen, that I am not now prepared to say that it could be bodily introduced into this country; but I think a court, including a fair number of representatives to be chosen by the employers and other traders, and of representatives to be chosen by the employed, in which there should be from the length of time that each party had been engaged in connexion with trade, such an amount of experience secured as would be adequate to the functions to be performed by them, and presided over by a judge appointed either by the Government, or in some way that should be provided by an Act of Parliament, who might be presumed to be competent to understand trade affairs and arrangements, would be exceedingly useful. And practically, though it would take a considerable lapse of time before we could be habituated through the length and breadth of this country, with our free action, every master and man doing that which he thinks for his own interest, and the free institutions of this country, to this system, yet I do think that it would be practicable, and that in fact the necessity of the case would bring us to it; for unless something of that kind be introduced, I see no possibility of the interests of this country, whether of the masters or the men, or any of the trading or mercantile interests, being secured in their present condition. I do not wish to offer any decided opinion as to what particular points of change should take place as between the Conseil de Prud'hommes and the Tribunal de Commerce of France, and the court which should be established in England; but I think that

W. Felkin, Esq.

3 April 1856.

the principle involved in those tribunals is that which not only may, but must be introduced into this country, in order to the safety of the general trading interest, as well as the general comfort and benefit of those who have their labour to sell, or their capital to employ.

1012. You are of opinion, then, that it is absolutely necessary to have some such tribunal?—That is my confident conviction from 20 years' further attention to this matter at home and abroad.

1013. Would you in these cases have one tribunal to determine upon the differences in all trades, or would you propose that each trade should have a separate tribunal?—I apprehend that the tribunal should be one competent to undertake any questions which had to do with the making and buying and selling of goods, and all matters that might arise after the wages have been adjusted; that is to say, if a contract for wages has been entered into, that that contract even should be a subject for their decision.

1014. Would you make this tribunal powerful enough to determine questions of wages?—No; I apprehend that it is entirely out of the range of possibility to submit questions of wages to this tribunal.

1015. That is an individual arrangement between a man and his employer?—Necessarily so; just as contracts for the sale of goods; but when the sale of goods, or the contract for wages, had been entered into, I apprehend that these tribunals would be the bodies competent to deal with them; for the Committee will be perfectly aware that in nine cases out of ten the most important questions relating to matters of account in business go out of court, after the actual expense of litigation has been incurred, in order to be arbitrated by persons who are called in to settle those very matters.

1016. Do you feel this inquiry of considerable importance as tending to stop strikes altogether?—I apprehend it to be all-important in that particular; I know nothing else that is to settle them but giving the general mass of workmen and employers, before the public, an opportunity of having their own cause settled by men from amongst themselves competent to that settlement.

1017. Viscount *Goderich*.] Would you think it right that questions concerning wages should be voluntarily submitted to such tribunals, supposing both parties agreed to it?—No; because the voluntary arrangements of to-day would be modified by the circumstances of to-morrow.

1018. What has been suggested to this Committee is this, that in the case of a dispute between masters and workmen with regard to the rate of wages, if both parties agreed to it, it would be of advantage that there should exist some tribunal of this kind which might decide all questions that were in dispute in regard to those matters; would you approve of that suggestion?—I have previously, if I have not ill-expressed myself, stated that the moment the parties had agreed, then the tribunal would carry out the decision, whatever the decision between the masters and the men should be. Supposing the masters to say, I agree to employ you upon such a rate of wages, are you willing; and the men say, yes; that moment this tribunal comes into operation.

1019. Supposing there is a strike for an increased rate of wages, would you think that the case could come before this tribunal even voluntarily?—No; it might be very properly brought for advice, but not for obligatory settlement.

1020. Mr. *Kinnaird*.] Will you state your reason why you think that wages should be entirely excluded?—I apprehend the rate of wages which would be submitted to this tribunal would be submitted by the persons of to-day under the interests and circumstances of the present moment; and although it might appear to be, and would be in itself, in many respects highly advantageous that the rate of wages should be thus agreed upon, I do not see how it would be practicable for the tribunal, in a legal manner, to enforce a rate of wages, except it were to be enforced only up to the period which the parties might choose to agree to.

1021. Might not that tribunal, in awarding its decision, state that it should be subject to any alteration in the relative position of affairs, and that in case of such alteration the matter should be again referred to them?—I am afraid, from the experience which we all have of manufacturing matters, that it would be adhered to just up to the time when it was convenient or desirable on the part of some individual to desire a different state of things. I presume, in the case of a falling market, a great number of masters would seek to reduce the wages,

and

and that in a better state of things the men would seek an advance. I have not at present seen my way clear to a legal adjustment of a tariff of wages.

1022. Have not the majority of strikes that have occurred hitherto, turned upon the question of wages?—Each strike has taken place upon what has been stated ordinarily to be the rate of wages, or time of work, or some questions of that kind.

1023. If you exclude this question of wages from the cognizance of these equitable councils, do not you really take away the main benefit?—I am not clear that that would be found to be the case; I apprehend that the practical mode of working, were these councils constituted, even with a master as president giving a casting vote, would be this: in a great number of instances in France and Belgium the trades have issued their tariff, which having no authority whatever in law, yet still has practically been accepted; it is before the public, and it is said to be a reasonable thing by the great bulk of masters and the great bulk of the men; the reasonableness of it strikes the bulk of the persons connected with the business and the manufacture. Public opinion is with the tariff, and it would be a very serious thing and a very difficult thing on the part of any masters or body of workmen to run counter to that without some valid ground. If a material change were to take place in the condition of things from that under which the tariff had been recommended or drawn up, that would be, of course, before the trades and before the world, and then the probability would be, that a modification would take place in it.

1024. Is public opinion, in your judgment, a sufficient protection to the workman for the rate of wages he receives?—Public trade opinion, as expressed by these courts, and ultimately, on the question of strikes, public opinion generally; because that would be an authorised and solemn statement made, as in the case of France, by those whom I should term the best informed and the best disposed masters, and the best informed and the best disposed workmen. There is no law, in my opinion, that could be framed that would carry such weight, and they would themselves refer upon such an occasion to that which would go generally to the effect of a legal decision upon the point in all parts of the country.

1025. Viscount *Goderich.*] Are you of opinion, that if in the case of a dispute, a tribunal of this kind were to give its opinion in favour of what you call a tariff of wages, without its being in any respect legally binding, it would have a tendency to settle disputes by both parties being inclined to agree to it?—I think it would tend to settle disputes; they would never come to the magnitude which such disputes have come to from the want of the expression of an opinion upon the part of those who have the greatest interest at stake.

1026. You do not make any objection to tribunals of this kind expressing their opinion upon these subjects, providing that opinion be not made legally binding upon the parties?—Provided we entirely exclude it from being legally binding. The masters, when they combine, combine for what they state to be the general masters' interest, and the men state that they combine to secure what is in general the interest of their trade.

1027. *Chairman.*] Is not the substance of what you say this, that the power of public opinion over mankind is greater than judicial power?—Under circumstances of that kind.

1028. Lord *J. Manners.*] Would you think that the trades should divide the subject of these councils to deliberate upon into two heads, those subjects that they should decide judicially upon, and those subjects upon which they should only give an opinion?—I think that, with the exception of an absolute contract, there is no other subject connected with trade in which, if a question arises, their opinion could not be safely made final, at least up to a certain value, and then to pass before a tribunal composed of persons of greater experience than themselves still connected with trade.

1029. Take the question of hours of labour, for instance; would you give them the power to decide that?—That comes into the question of contract; it is a contract; I do not wish to advocate the interference with the question of how long a time a man should choose to employ himself in making goods, or doing anything else. There are exceptional grounds for interference, as, for instance, what have been made the subject of legislation in our own country; but I apprehend that these tribunals would do away with the necessity for a great amount of that isolated legislation. I apprehend that these questions would never come

W. Felkin, Esq.

3 April 1856.

before Parliament in the way they are doing from time to time, and that that would remove a great amount of difficulty.

1030. With respect to the question that has been so much agitated in our own country, the state of the frame-work knitters, do you think that these tribunals would be able to deal satisfactorily with that question?—In general; having paid perhaps more attention to that and the lace trade, which are the two trades in which I have all my life been personally interested, I may state, as the result of my observation, that I do not know any points in the hosiery trade, for instance, that would not have been settled infinitely better and at a very much earlier period than they have been settled, if courts of this kind had been in existence; the great question of frame-rent itself would never have been before Parliament in the peculiar form in which it has, if that had been the case. Perhaps I may just state the effect of looking quietly at the condition of the hosiery trade occasionally in my own personal experience; I will give one instance among others. I think that up to a recent period the rate of wages had long been what I have felt to be inordinately, and at the same time unnecessarily, low in the manufacture of stockings. That state of things was exceedingly grievous to the working classes about the year 1832 or 1833, and a strike took place in the county of Leicester, I think somewhere about 1833. In the following year it was contemplated, and arrangements were to a considerable extent embodied in private resolutions, that the trades' unions in the hosiery trade, in the whole of the three counties, should strike; that would have involved the cessation of labour at that moment of about 33,000 frames, employing 25,000 families. Inquiries were made of me privately (though I was not engaged at the time in the hosiery business, but known to have my attention strongly directed to the condition of things), whether I would give an opinion if that was a favourable moment to strike, for the purpose of getting an advance of wages by persons delegated to put that question to me from the consolidated body; I stated that I would take a little time to consider and inquire. I made inquiries that day and the following morning, of all the hosiers that I could, confidentially, without mentioning my object, talk with, and I felt satisfied that if a little longer time elapsed, by the force of trade circumstances (that is to say, increased demand which appeared to be then rising, as I deemed from the information I obtained), the rate of wages would be improved. The deputation returned to their constituents, and stated my opinion, and happily (I do not intend to say it was in consequence of what I said, but still certainly that had to do with it) the strike did not take place, and about six weeks or two months afterwards the rate of wages was advanced 20 or 25 per cent. Now I take it that in that instance the necessity need not have occurred for asking the opinion of a private individual, if such courts had been in existence at that time, for I am satisfied that in that case the necessary result would have been that the workmen would have been instructed as well as the masters, as to what was proceeding. All that would come before the courts must be instructive to them as to the actual position of things in the trade.

1031. Mr. *Cobbett.*] You say there was an extraordinary rise of 20 to 25 per cent. in wages in that trade; what was the cause of that rise?—Trade itself was then taking a turn, which issued in an increased demand beyond the previously existing one, and which compelled the advance which eventuated. The idea which I wished to throw out was this, that you let daylight into all those questions. When you get competent persons as employers and employed in the relative position in which they stand, to be constantly communicating together, which they must of necessity do, they would not come together in such a court as this simply to hear certain statements; they must communicate upon far more general things than the immediate point that comes before them; at present there is no authorised acknowledged means of communication between the employers and the employed.

1032. Lord *J. Manners.*] As to the constitution of the tribunal, do you mean that there should be one tribunal in each locality to represent all the trades in the locality?—So far as my present opinion goes, looking to the working of the trades' courts in France, and what I think the general operation of such bodies would be, I think that a general body sufficiently extended to take in an amount of information applicable to all the trades of the locality would be necessary. I do not suppose that in Leicester you would need to have one Board for hosiery and one for some other business. I apprehend there would be no difficulty whatever

whatever in the arbitration or arrangement of any matter which would come before them by men who would be derived from the various sources that would be resorted to, to form such a tribunal.

1033. Do you think that probably some time would elapse before people would become habituated to the action of such a tribunal?—There can be no question of it, from the extraordinary freedom which we possess.

1034. In the meantime, would you make it compulsory upon the different trades to bring all questions to be settled by this tribunal, or would you make it optional?—I deemed the latter, however at first sight it might strike myself or others to be the more desirable course, to be impracticable. I do not think it would be practicable to bring men voluntarily into it. I think it must be a compulsory matter, to the extent which is necessary to bring it into operation.

1035. Mr. *P. Urquhart.*] Do not you think that even an appearance of an attempt on the part of this tribunal to settle the rate of wages might be mischievous?—I do not apprehend any mischievous tendency from an interference to the extent I have mentioned; I do not see any ground for it.

1036. If I understand you rightly, your proposal amounts to this: that these tribunals might afford the operatives and the masters such statistical information, as to guide them as to what rate of wages they might reasonably expect?—I apprehend that that would be a matter which, upon the existing rate of wages, would be subject to modification, according to the information they obtained. The recommendation would be to the extent of what the masters and men would, on the whole, think to be a reasonable rate of wages, and I see no ground, from what thought I have been able to give to it, why that could be by either party reasonably considered an improper interference. I believe it would be considered an improper interference on the part of a vast number of persons, for they have never been accustomed to interference at all; we are beginning to discuss this matter, as it were, for the first time. I have endeavoured personally to bring these matters, as much as I could, before the public, by the publication of several thousand copies of the laws affecting the "Conseils des Prud'hommes;" and I have heard from about 10,000 operatives and from many masters, their opinion as to the probable operation of them. But still, taking the whole body of mercantile and manufacturing people in this country, it is a novelty to them, and I dare say it will be a considerable time before they think it anything but interference.

1037. Do not you think that if the manufacturing and mercantile people were under the impression that they were only able to employ men at a certain rate of wages, they would be ready to shut up shop?—I beg leave to suggest, that I never thought of compulsion at all in this matter. The operatives here and elsewhere, and their employers, are just under the principles which human nature will bring into play in these things; all we want is, that that which takes place in secret and in the dark, should take place before the public, and that they should have an opportunity thereby, which they would embrace in due time, of influencing, in the right direction, the operatives and manufacturers.

1038. You would only influence their operations as regards wages, by affording such an amount of statistical information as would let the operatives know what wages they might expect?—I am not aware that statistical information would be the only mode in which the thing would be brought to bear; we have very little statistical information at present, and yet we buy and sell labour and buy and sell goods. I do not think it is the statistical information merely, but the general impression which we all have as traders, either selling our labour or goods, by which we try to do the best we can for our own interests; and I think that would be more likely to be obtained for the interest of both in this way, than when it comes in the effect of a needless reduction in the rate of wages, or in the result of a strike, which destroys both masters and men.

1039. You said just now that you have studied the law concerning the Prud'hommes in France; do not you recollect that in France the councils were originally divided into two departments, the Bureau de Conciliation and the Bureau de Jugement?—Certainly.

1040. Would you suggest anything of that sort in this country?—Yes; I should presume that the natural way of proceeding would be precisely that which I have hinted at, that one or more masters and men, being members of the court, should meet together every morning, or every second morning; any person who has any complaint to bring should bring it before those persons,

W. Felkin, Esq.

3 April 1856.

and if they cannot conciliate the matter, it goes to a weekly meeting, at which the judgment is propounded and enforced, if it be a matter which comes within their jurisdiction.

1041. Do not you think that, in many instances, the dispute would be decided by the first tribunal?—Just so. I have not seen the return with regard to the "Conseils des Prud'hommes," which was laid before the House of Commons last year; but I remember the return laid before the House some time ago, in which it appeared that, out of 133,000 cases which went before the daily tribunal, 129,000 cases were conciliated, and never went before the weekly Board for final judgment.

1042. Would you anticipate the same result from a sort of department of conciliation in this country?—When it was fairly brought into work I think that would be the result with us, always allowing for the inexperience which we must have of the difference which national character and previous habits might introduce in the working of such a vast novelty as councils of conciliation.

1043. These Boards were constituted in France in 1806; do you know how long it was before they became useful?—They began at a very early period to be efficacious, and in a year or two they began to show the results in something like the proportion I have just now stated; but it must be remembered that there was an authority of a very serious character which prevented every attempt at strike.

1044. You said just now that all parties should be represented in these councils, both masters and men; are there not many men rising from the rank of workmen to that of masters, who occupy a sort of intermediate position, and who would be very good arbitrators in these cases?—According to the constitution of the "Conseils des Prud'hommes" in France, the workmen in them are all "contre-maîtres" (overlookers), or parties in that position; they are not the ordinary workmen who are introduced. In these courts here I have contemplated no such distinction; but certainly if I were asked the question as to whom I should presume that the workmen or the employers would choose to represent them (for I make no distinction in relation to that point, or in relation to many other points, for the interests of each are the interests of both), I should say that, of course, I presume that a certain number of years of experience on the part of the masters, or a certain number of years of experience on the part of the men, would be required before they could be sent into the court of conciliation; and, therefore, though I do not say that overlookers should be necessarily selected for these posts, or anything of that kind, yet I presume that there would probably be a certain number of years' experience, and so on, required for the purpose of constituting a man a member of the council.

1045. Mr. *Kinnaird.*] Does it not follow, from the evidence that you have given in reference to the strike, which was obviated by your communication with the workmen, that you consider it to be very desirable that the workmen should be made acquainted with the state of trade, and the causes which would operate upon the rate of wages?—I apprehend that there cannot be too large an amount of information given to the working men of this country, or of any country, in regard to the things which affect their condition. It is the want of information against which I have been practically speaking throughout my examination; I wish that, in order that they may judge rightly for their interest, they should know all that operates upon themselves and their masters; whereas at present, from the want of the communication which I should desire to see established, and which I think these proposed courts eminently calculated to bring out, there is an amount of prejudice and ill-feeling frequently results which is exceedingly dangerous to the trade, and under certain circumstances might be dangerous to the country.

1046. Do you, as a master trader, think that you could give the workmen that information without detriment to the interest of trade?—Those who are engaged in business know very well that there is a wide difference between a man opening his books and making particular statements with regard to his own affairs, and his bringing forward from time to time, as one of a body of masters, that amount of information which would be necessary to guide the workmen to the right judgment of their interests. There is a wide distinction between individual statements of business and general information with regard to the state of trade. I have no occasion to lay open my business to my workmen, in order that they may know whether it is for their interest to serve me in a particular manner.

1047. Are

1047. Are there not particular reasons that may make a particular master unable to give higher wages than he is giving?—There may be such circumstances, and, for my part, I see no reason why I should not candidly tell a man, if I cannot do as much for him as he wishes, why I cannot do it.

1048. Do you think it desirable that there should be a free communication between the workmen and those who employ them, upon these subjects?—I think there should be a reasonable amount of free communication, but that it should be a matter for the exercise of private judgment.

1049. Sir *H. Halford.*] Admitting that it would be foreign to the province of these courts to attempt to settle the rate of wages, would it not be part of their function to enforce the payment of wages, according to the rate previously fixed?—Undoubtedly; I deprecate exceedingly that question being brought for magisterial decision, before the magistrates, as magistrates.

1050. Among complaints set forth on the part of the workmen, one is, that the master keeps back either the whole or a part of their wages; are you well acquainted with the hosiery manufacture?—I am.

1051. Are you aware that it is the practice to make considerable stoppages from the wages in that manufacture, and that these stoppages are much greater in amount than corresponds with the value of the service rendered for them?—They are very large.

1052. Do you think it would fall within the province of these proposed courts to check that practice?—I think that the bringing forward of that question before those courts, had they been in existence during the last 30 or 40 years, when the extreme depression took place in the hosiery trade, rendering it one of the most wretched in the three kingdoms with regard to wages, would have done away with the possibility of those deductions continuing; I think it would have issued in an entirely new state of things as regards questions of stoppages of every character, whether for frame-rent or any other deduction, except the ordinary deduction for bad work, of which bad work this tribunal would be the best judges.

1053. In your opinion is the depression to which the workmen in the hosiery trade is occasionally subjected, materially connected with the practice of stoppages?—I think it has been connected with that among other very active causes; if needful, I could state several others which have had to do with that state of things; but that has had to do, in my opinion, considerably with the depression.

1054. Were you not examined before the Commission when Mr. Muggeridge went down to Nottinghamshire in 1845?—I was.

1055. Have you seen the Report which was produced by that Commission?—I have the portion of it relating to Nottinghamshire by me.

1056. Do you agree to the conclusion to which he comes, that the stoppages for frame-rent are arbitrary, and not corresponding with the value of the machines?—I think that they are not correspondent with the value of the machines. I have stated so in a document which I put in as evidence at the time, which was a statistical account taken from parish to parish, and from frame to frame, throughout the three counties. In the previous year I took a statistical account in the 240 parishes in which the hosiery trade exists, in these three counties, of every frame, as far as it could by possibility be ascertained; and in my evidence, (of which this statement forms a part, and the statement about the Conseils des Prud'hommes forms another part), I state that the rate of charge for frame-rent does not appear to me to bear a fair proportion to the value of the frame which is employed; but when I am asked if it is "arbitrary," I must take the liberty of saying that I do not agree to that expression, because it is according to the custom of the trade.

1057. Have you seen the Report of the Committee which sat last year upon the subject of stoppages?—I have not; I have been abroad a good deal during that time, and I have not seen it.

1058. Are you aware that the result of the evidence taken before that Committee is to show that there has been a great variation in the use of frames in different parts of the country?—There is no question of that. It is stated in the evidence which I gave myself, that there is a difference of rent in different parts of the country.

1059. Do not you think that there is great abuse connected with this practice, and that that abuse might be corrected by the proposed courts of conciliation?—I would

W. Felkin, Esq.

3 April 1856.

—I would rather use my own phraseology; I do not think it can be called an abuse, when it arises out of what has been for centuries the practice of the trade. It may, in some cases, be carried to a greater extent than that practice would justify, and in such cases as that the Courts of Conciliation would interfere at once, and prevent the middle-man, who has been the great sinner in this matter, from making charges, as he has often done, beyond the charges made to him.

1060. Are you of opinion that these charges are, in many cases, very oppressive?—I think they are.

1061. And that that oppression might be corrected by a court of the kind proposed?—I think so.

1062. And that it would fall within the jurisdiction of the proposed courts to prevent that oppression?—So far as they were empowered to enforce the customs of the trade in the district. The custom of the trade is in itself practically the law, and if a man takes a frame that would only cost 50*s.*, and agrees to pay 1*s.* a week for the frame, he pays for the frame in one year; but it could not be called an arbitrary measure, if it is agreed to by him.

1063. Suppose there is no distinct agreement, and that the workmen's wages are withheld upon the plea of a deduction on account of the rent of the frame, that deduction being vastly greater than corresponds with the value of the frame, do you think that it would be desirable that there should be a court which should disallow that deduction, and enforce the payment of wages according to the rate agreed upon between the parties?—What I have stated to Mr. Muggeridge, which is my opinion now, is, that the frames should be given without rent, and that the man holding the frames should be compensated.

1064. Do you think it desirable that there should be a legislative interference to put an end to the rent of frames?—Yes; if the holders of them could be compensated; but suppose a person holding a hundred frames, and letting them out, I think it would be very arbitrary to say to that person "You must let me have the frames without rent, or I shall give them back again to you." There are thousands of frames which have been held for ages under these circumstances.

1065. Supposing the rate of wages to be ascertained, and that there is a great deduction from that rate made on the plea of frame-rent, do you think that it would fairly, properly, and usefully fall within the province of these proposed courts, to reduce that reduction to a fair compensation for the value of the frame?—I think in such a case it would be for the man who took the frame to say, "I shall not pay any rent for the frame;" and that if the man who employed him would not pay his wages for the week, he should go to the council, who would arrange the matter, and say to the employer, "If you cannot agree, we shall at once decide that you cannot have the rent, because it is contrary to the agreement between you and the workman."

1066. Mr. *Ingham.*] Would not the result be, that there would be a smaller amount paid in money to the operatives?—I do not think that that would be the result in the end. In the particular case to which reference has been made, it has become unhappily the practice for a person to give out as much goods in bad times as might employ three frames, to a man who has ten; and supposing that he divides the employment of the three frames among the ten, and takes the rent of the frames, it would be evident that the man is making an important profit out of the price which the master gives to him; that has been done in many cases.

1067. In many cases are not the frames owned by the manufacturers themselves?—A great number of them are thus owned.

1068. Then whatever extra profit they make from the letting out of the frames is, in fact, a deduction from the wages which they pay?—No doubt it is so; and if I have a thousand frames, and, instead of letting them out, employ them on my own account, I pay the same price for my manufacture in my own premises as another man who takes the rent of 1*s.* a week. He can sell that work at prime cost, and he will get from the thousand frames 2,500*l.* per annum, and I shall get nothing, unless I can put my profit higher. This is the practical working of the matter. There are some manufacturers who charge frame-rent, and some who are not disposed to mix themselves up with it. I, for instance, charge no rent for the frames in my manufactory, and if other manufacturers charge a rent, they get more profit than I can.

1069. Are

1069. Are not your frames of a peculiar kind?—They are circular frames; I have them in my own premises.

1070. Did you not state, just now, that you thought the force of trade opinion would be sufficient to correct many of the abuses that did not directly come under the cognizance of these proposed Boards?—I am satisfied that it would correct many abuses, but there would be few that would not come within the cognizance of these Boards.

1071. By trade opinion, you mean the opinion of persons connected with the trade?—An instance will explain my meaning better than anything else. Supposing a man is in the habit of putting in a parcel which, nominally, consisted of a dozen yards, only 11 yards, and another who has a conscience, puts up 12 yards; I apprehend that that would come before the Trade Court. At present that is kept in the dark, until one man is riding in his carriage and another is working very hard in order to get a bare living; but that would come at once before the court, and would settle before the whole public the position of these men. Thirty-six inches will legally go to the yard. Suppose a man puts up 35 to the yard; he sends short measure, a practice frequently carried out in trades. And in many other departments of business there are things which are absolute frauds, and which are highly detrimental to the characters of Englishmen in foreign countries, as I have myself seen. I apprehend the Trades Court would settle things of this kind.

1072. It would not require instruction, as to the circumstances of any particular manufacturer, to come to a decision in a case of that kind; but do you consider that it would be requisite for particular groups of trades to have, as they have in France, one class of the members of the Board to give their opinion upon questions arising in those trades?—Except in very large towns the Conseil is a universal one for each particular locality; in Paris there are a large number.

1073. Is there not generally in each district a particular kind of trade which is the engrossing trade of the country, as silk at Lyons, and so on; whereas in Paris they group them?—In large manufacturing districts they have done so; but in the main, taking the greater number of Conseils de Prud'hommes, they take notice of things universally in the district.

1074. Can you give an opinion as to what extent of district ought to come within the scope of each of these councils?—I have endeavoured to guard myself against opinions on details, from the want of experience which we have of the practical working of such courts in the trade of this country.

1075. Do you think there should be a Crown officer appointed as chairman?—I think the presidency and casting vote ought undoubtedly, in this country, to be in a chairman appointed independently, but with cognizance of the principles and practice of trade, and there should be the entire absence of lawyers.

1076. Viscount *Goderich*.] Have you considered the mode in which the members of these tribunals should be chosen?—I have thought much of it, and it is the cross, if I may so call it, of this matter; it is a point that I would respectfully suggest might well be postponed until the Committee has heard much more than I or any one man would presume to know of the existing condition of the minds of both parties; the masters must get rid of so much of the feeling of position, and the men of so much of their prejudices, that I do not know exactly how they are to be chosen; but I have said that I think they ought to be men of lengthened experience.

1077. Would not there be considerable difficulty in determining the constituency, so to speak, who were to elect these members?—I apprehend it would be impossible to do that, except by the practical registration of all parties.

1078. Have we the same facilities for such a registration as exist in France?—No; but the want of that appears to have been more and more felt for several years. I think there cannot be a question that trade statistics as to numbers, and a variety of other points, must be considered more and more if we have to do with foreign countries in which those statistics come in, and at all events with whom we have to compete; and this is one of the great sources of anxiety that I have in this case. Now it is before the Legislature, I do not think there is any time to lose in this competitive state of things on our part.

1079. Should you be in favour of a compulsory system of registration?—It might be practically compulsory. I have not gone sufficiently into the details to answer that question very precisely.

W. Felkin, Esq.

April 1856.

1080. Lord *J. Manners.*] Has your attention ever been called to the recommendation of the present Lord Grey, made in the House of Commons in the year 1845, that something like the old trade guilds should be established?—I remember the proposition being made by his Lordship, but I do not consider that it would be practicable to restore the old trade guilds, for this among other reasons: Trades, I believe, often migrate, and we must do what we do with an especial reference to the importance of allowing capital and labour, and everything else, to find its position; and I apprehend that, at this time of day, trade guilds could not be carried out without very serious difficulty; local interests would, I am afraid, overcome the exercise of the right amount of freedom which would be necessary in relation to the general interests of the trade.

1081. When you introduce compulsory registration with a view to the constitution of an electoral body, would you not approach to a trade guild?—It is necessary that this should be done, and consequently you must go to that extent; but I apprehend, that to set up a number of officers in particular departments, who would have such a legislation in matters of trade, as is essential to the existence of a guild, would be a very serious and a very undesirable thing. It was proposed 70 or 100 years ago to introduce the Stocking-makers' Guild from London, but it was felt to be a ground of necessity on the part of the three midland counties rising up in arms, and the thing could not be carried out at all.

1082. Viscount *Goderich.*] It was suggested by a witness before this Committee, that the question as to the effect upon the men of the introduction of a new kind of machinery into a branch of trade by the masters, was one that might be referred to and decided by these tribunals; do you agree in that opinion?—I do not see that there is anything to refer; I should not think that it would be a question that we need refer to any tribunal, whether a man had better use a spade than his own fingers. If a man had something to introduce which he found to be a shortening of labour, he is a public benefactor, and I see nothing to decide about. If you will allow me to travel a little in the direction I have just alluded to, I am prepared to say that I think the extinguishment of all patent laws, and everything connected with them, by the admission of their value on the part of delegated authorities from such councils as these, would be an infinite blessing to the community and to the inventor. The nation should give the value of the invention, and do away with all patent rights and all peculiar jurisdictions as to the employment of new machines. The experience which I have had in the lace trade of Nottingham and in the hosiery trade, would lead me to that conviction.

1083. Mr. *P. Urquhart.*] You say that you have studied the laws of the Conseils de Prud'hommes of France; do you recollect the custom of giving the workmen a sort of certificate, or passport, when he leaves a town?—I am aware that it is the practice there, and in Germany.

1084. Would you have that practice introduced here?—No, I see no reason for it; if a journeyman leaves a master, or a place, and goes and seeks somewhere else for employment, the party to whom he applies will say, "Where have you been? What have you been doing? What is your character?"

1085. Do they do that now?—It is a general practice in relation to employment.

1086. Do you think that the practice of requiring characters tends to distinguish between the idle vagrant and the man who is going about searching for employment?—It would be the man's own fault if he did not ask for his character, to take with him to the localities where he is not known.

1087. Do you think it is done?—I am not personally at the head of any particular establishment, but we do it to a great extent; when we know the parties, we do not in every instance do it; but we think it right, in justice to ourselves and our brother manufacturers, to ascertain why a man has left his former employment.

1088. Do not a great number of idle vagrants get forged characters?—They may do that; but our machinery is of that character that we dare not let a man touch it who was not tolerably well introduced to us. A few moments of malopération on his part might destroy machinery to the value of 100*l.* or 500*l.*

1089. Mr. *Wise.*] Although you have stated it to be your opinion that these Courts of Conciliation should not attempt to deal with the maximum and minimum of the hours of labour and wages, are you not of opinion that by arbitration of the grievances of the operatives, such a fair discussion would take

place

place in these courts as would practically lead to the settlement of questions of wages?—That is my opinion; and also, if I may go so far, it would affect the hours of labour, and everything else that is material to the workman. So far as my experience and observation has gone, I think it would be the nature of the court to do so.

1090. Having established these Courts of Conciliation, which you have stated could not well co-exist with guilds, how far would you go in enforcing obedience to their awards by both parties; how far would you make it compulsory upon the masters and the operatives to adhere to the award of the council upon any subject upon which the award has been given?—By the view which I have thrown out as the result of my experience, they would have nothing to do with awarding a rate of wages.

1091. Supposing any question were submitted to the consideration of the council, what course would you recommend to enforce adherence to the award of the Council of Conciliation?—Upon those points upon which it has a right to arbitrate, it must have the power to enforce its own arbitration given to it in some way or other. In France they have the usual authority of enforcing their own decisions up to so many francs; and if they are not paid, if they come up to a certain amount, they can take the man's goods, or put his person in some instances into prison. In other cases above a certain amount, the question goes to the Tribunal de Commerce, who can go to a greater height; but I do not understand the question to include in it either wages or matters of length of working hours.

1092. If a dispute were referred to the Board by mutual agreement, as can be done under the present Act, would you make the award final in that case?—I think there would be nothing wrong in that; if two parties agree that they will abide by the decision of a third, they should be bound by it.

1093. Would you inflict penalties or imprisonment in case of a refusal to agree to their decision?—Those are points I do not wish to decide upon.

1094. Do you attribute the failure of the present Act of Arbitration to the dislike of the working classes to going before the magistrates, or to the fact of the magistrates themselves being connected with the business about which they have to determine?—I think there are three causes which have led to that failure; the cause operating upon the mind of the employer, who does not like to go, for a variety of reasons; the cause operating upon the mind of the working people or of the traders, who do not like to go, and also the desire frequently felt, that if there is to be a magisterial decision, it should not be by persons in the trade. In many cases the law does exclude persons from the adjudication of these questions, who are connected with the trade.

1095. What is the character of the disputes which have arisen mostly in your knowledge independently of wages?—Independently of wages the causes sometimes have been about the length of time, or the character of the work; and they have endeavoured to make these questions of extra charges, as they are called, and usual charges; making it in other words an attempt on the part, as it has been alleged, of the master to obtain from the men what was not usually understood to be practically in the bargain; there have been other points purely accidental; but I do not profess to remember what may have been the causes in many instances; the chief part are those connected with the price of labour. In the Derby strike, to which I make reference, it was not a question of the rate of wages at all, as I believe was acknowledged on both sides; I believe that both sides stated unhesitatingly, in the first instance, that it was a question to what extent the master should dictate and the men submit to him, with regard to the trade regulations; the men considered that they had a right to expect that some measure of consultation should be had with them in the general arrangements of the place, and the arrangements with regard to their position. I believe it was not a wages strike at all; it issued in a most lamentable amount of suffering, which has continued in its effects for many years; but I believe that it was in that instance really and truly a question of abstract rights.

1096. A great deal has been said about the strikes of the operatives; have the masters ever voluntarily raised the wages of the operatives?—There have been many cases within my recollection of individual masters raising the wages of their workmen; it is generally an individual master who by his example, or at least by his action, obliges another to raise his wages; he cannot get his labour performed in sufficient quantity or with sufficient rapidity to answer his demand,

W. Felkin, Esq.

3 April 1856.

and therefore he raises his wages, and the consequence is, that the other manufacturers have done the same; that was the case with the hosiery trade, and that brought about a condition of things in which within 12 months there was more than 100 per cent. put upon the rate of wages; and it was done without anything which might be called a turn out; they did it one after the other; it was the necessary consequence of an increased demand.

1097. As a general rule, do not you think that the operatives have been justified in the co-operation which we have seen developed by them in this country to promote their interests?—Before I answer that question I would rather understand what is meant by "co-operation." If it refers to trades' unions, I do not think that anything justifies what is shown to be an unwise, and therefore a very unjust act. I never knew a strike yet which was not a cause of great misery to everybody connected with it. I do not think that any advantage at all has ever been got from them.

1098. That being the case, will not the establishment of these courts of conciliation tend very much, in your opinion, to prevent the serious mischiefs that have arisen from these causes?—That is my opinion.

1099. You have had a great deal of experience upon the juries of 1851, in which I was your colleague, and also upon that in Paris in 1856; what has been the result of your experience in these cases with regard to the effect in this country of the lowness of price and the cheapness, which is almost paralysing many of our manufacturers?—At the present moment we can scarcely say that the demand is not equal to the great requirements of the country. It has very greatly risen, no doubt, within the last two or three months; but if I am asked, as regards the continued, and as I deem it, increasing operation of the efforts to make things cheaply in this country, as contradistinguished from making them well, I have a very strong opinion indeed to offer upon that subject. My impression is, that if it is persisted in, no power on earth can keep up the trade of this country.

1100. How does this matter affect strikes in this country?—It will be evident that the chief part of the interest of the working man is, whether he can have continued employment for his labour; and if we can go on increasing our manufactures, and the amount which is to be supplied, undoubtedly he would have comparatively little interest in this question; but my apprehension is that it will in due time lessen, and eventually neutralize our demand, and consequetly that the working man has the most direct interest in goods being made well, as contradistinguished from their being only made cheaply. I think so for this reason, among others; that the reduction of price must come eventually to a great extent upon him, inasmuch as the amount of labour which goes to make a yard of cloth, or a pair of stockings, whatever the quality of each may be, in one sense must be very much the same; that is to say, that it is not lessened in proportion to the lessened value of the article, and the consequence will be, that he goes on to put in an amount of work necessary to produce the article, and it is lowered in price in a greater proportion than it ought to be considering the amount of labour he must necessarily put into it, and he will only get that which will be his proportion of the lowered price, and ultimately the result will be, that the employed will be the parties to lose everything.

1101. *Chairman.*] Is not that the result of competition?—I think it is the result of over competition; competition is a good thing within limits, but there is a competition which, I apprehend, must now, to a greater extent, be substituted for that, namely, competition as to making things to wear well; an axe if it were sold for 1*s.* is dear if it will not cut down a tree, compared with one which cost 10*s.* which is fit for work.

1102. How is it possible to stop this course of things?—In this way, that it will be seen to be an evil; competition may be introduced in its improved form; there may be competition to make things wear well, as well as to make things cheaply. Our opponents on the other side of the water, in France, adopt an entirely different principle in some of their manufactures. At Lyons they do not make silks for stock, but they take the opinions of their customers in Paris and elsewhere, and they make patterns and take orders before they make the silks, and they make a better article, and a much more wearable article, and they get superior profit upon the article to where over-competition is introduced. I think it would be better for us, in looking at the question of manufactures, to make

make things good as well as cheap, rather than to seek to make things at a low price merely.

1103. Would not that be a matter arising rather from the manufacturer's sense of the profit to be derived from it, than a matter of compulsion?—I wish to point to the fact that these proposed courts will be the very places where this over-competition could be put an end to; for example, it was said last year that we sent stockings to the Crimea not big enough for the men's feet; if there had been a court of the proposed kind in Leicester, that could not have happened. It was also said that we sent axes to the Crimea that would not cut wood; that would not have happened if there had been a court at Sheffield. The conscience of the master, and the conscience of the men, would have prevented it, if they had been united in this way.

1104. This particular evil could only be checked by the good feeling arising from councils of conciliation, and not from any legislative enactment?—I believe it would arise from no legislative enactment.

1105. Mr. *Wise*.] Would you give these courts of conciliation a reference to physical evils that attach to manufactories, such as bad ventilation in the manufactory, and the want of means for the instruction of children, or of anything that would tend to the amelioration of the condition of the operatives, as far as concerns the manufacturers?—I think they would indirectly, and perhaps even in a more direct form than at present would appear, have an operation in that direction. I will mention a case that will explain this. When Mr. Grainger was in Nottingham, inquiring into the employment and condition of children, a good many years ago, he wished to see extreme cases, and I directed him to a certain dwelling in our vicinity, and said, "If you will go between such and such an hour, you will find a woman, with a number of children, employed in a particular branch of the lace trade, and you will make your own remarks, when you get there, on what you see." The branch to which I refer, which is one carried on very extensively in Nottingham, though I am happy to say not always by such hands as those I am about to mention, was the particular operation of dividing between two bands of bobbin net-lace, and making each of them half the breadth, by drawing a thread out with a pin. Now, this operation is carried on, the goods having been prepared and bleached with clean hands, and in a form so as not to crumple the work, and returned to the warehouse, when it is finished, where it is put up for sale. When he got there, as I expected, he found the woman's daughter, 22 months' old, seated in a high chair, performing that operation, and earning wages. Now, I will submit to this Committee, or to any reasonable man, that no trade would ever go on which employed persons in that way, if the facts were brought out, as I trust and believe they would come out. Provided there was a public opportunity for the investigation of things, these things must, among others, come out. Now, that was an exceedingly extreme case; but I am prepared to submit that it is important that we should have a means of compelling trades to be properly carried on, and they can only be so carried on by public understanding and public opinion being let in to get rid of the employment of too young persons. I think that is an instance to show how a regular opportunity for investigation and inquiry would operate in that direction.

1106. Mr. *Wise*.] If there were some permanent mediating body between the employers and the employed, are you of opinion that it would tend to the cultivation of good feeling and sympathy between the employers and the employed?—Yes; and that the employer of such labour as that I have just referred to would not be in a position to plead that he knew nothing about it.

1107. Indirectly, would it not have a material effect in preventing frauds and improper practices?—I think that trade conscience would then be a reality, and a more efficacious thing than it is at present.

1108. Mr. *J. Cobbett*.] Were you rightly understood to say that the rage for cheapness would produce evil consequences upon the trade of this country?—I think so, if it is not modified by a determination to make things good. An article is cheap in proportion as it answers the purpose for which it is intended, at the lowest rate of cost.

1109. How long is it since this rage for cheapness set in?—I think it has been connected with the advance of our manufacturing system during the last 50 years, which may be called the period of our manufacturing development.

W. Felkin, Esq.

3 April 1856.

1110. Have you made out any scale, showing the gradual going down of prices; can you put it in a tabular form?—I have not a tabular form; but perhaps one might be used for the purpose of showing the wearability or usability of the article, as contradistinguished from the price; perhaps it might be possible to make such tables, but I think we come very much to our own experience in reference to many articles, upon which, if a comparatively small per-centage of increased labour and increased raw material were thrown in, a much larger per-centage of quality would be obtained, and by consequence, as I deem it, the article eventually would be more safe for the country to make, in consequence of its being more valuable in proportion to the price given for it.

1111. Do you think that the result of such a table, supposing one to be made, would show that, in fact, all these cheap things are dear things, compared to what used to be made?—That is the case where their inferiority is of a character to take off from the durability or from the usability of the article more than is compensated for by the decrease of price.

1112. Is that so in any great part of the manufacture in this country?—I think that it is in very many of the articles which are forced forward on public notice as exceedingly cheap.

1113. Observing matters of the same kind on the Continent, do you find that there is a great difference between England and the Continent in that respect?—At present I think the two can hardly be fairly compared, because there are elements which go to make a higher cost there for articles which have the same constituent elements, if I may so term it, but at the same time I think the tendency on the Continent is to endeavour to secure a larger amount of value in contrast with the amount of labour put into the article than in very many of our own manufactures of this country. I will give one case, that of Lyons silks, because that really is one of the best exemplifications I could give of it; organzine silk in this country has borne a very high price, and in France it has not borne quite so relatively high a price. Trame silk has borne a lower price in this country from what it has there from our facility of obtaining silk; the Lyons people, therefore, in the manufacture of a piece of silk, give a much larger weight usually to the warp, which is made of organzine silk, which bears a high price, and a less quantity in proportion of the trame silk of which the larger quantity is composed here. A lady buys a Lyons silk, and finds it wears so many years; that lady will buy an English silk at a considerably less price; half-a-crown a yard perhaps; but the organzine being very light and fine, in order to get a less weight, and to be paid for at a less amount, cuts the trame, and so the article will not wear many months. Now the consequence of that has been in another direction, to introduce cotton warps to a much larger extent than they would be otherwise introduced, producing a description of article which, though it seems considerably cheaper, yet, I venture to say, for a waistcoat or a lady's silk, is not so good. Now, I take that as an instance, which will exactly show what I deem to be an undesirable course with reference to making articles cheaply irrespective of the ultimate wear, and consequently of the ultimate cost to the purchaser.

1114. That, you say, has been detrimental to English manufactures in other countries?—I think it is, in connexion with the question in some instances of not very exact measurements, just the same as you find the Manchester people are entering their protest against the reception at Liverpool, and by themselves, of cotton bags with boulder stones in the middle.

1115. You have spoken of one specific article; does the same evil as to cheapness pervade other manufactures?—I think it must be acknowledged that that is the case; I do not wish to witness against the power and willingness of my brother manufacturers in any trade to do what is really for the best, but I think that is the fact to a large extent, and to my own mind to an alarming extent, with reference to the question of cheapness.

1116. Will you explain in what way you think it is detrimental to the interests of this country, and to the manufactures of this country?—Because when English made articles are purchased abroad, they do not wear to the extent that they ought to do if they were the article they purported to be. If a lady goes to a shop in the back cities of America, and buys some reels of cotton yarn for the purpose of making up shirts or other articles, and when she goes home, instead of finding 700 or 800 yards on the reel, she finds 100 or 120,

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the English character, it having the English stamp of length upon it, is damaged very much.

1117. Is it the fact that the quality of English goods is inferior to that of other countries?—To some extent.

1118. And in that way the English suffer?—I think so.

1119. In what way do you think that these courts of conciliation will have any effect in remedying that evil?—The evil arises from the individual effort on the part of manufacturers to lower their price, as contradistinguished from what their neighbours are doing. This competition results in one after another, as he cannot put the same amount of labour and the same amount of the raw material into the fabric for a less amount of money, being obliged to lessen the one or the other. When this is done by one, somebody else follows his example, and the result is the articles go abroad: the low price induces people to buy them: but eventually the better article is found to go further; thus a Saxony piece of cloth may, for aught I know, wear better than a Leeds or a Bradford piece of cloth. There has been an endeavour on the part of somebody here to sell a cheaper article; it is at a less price, but it is found practically to be a dearer article than the other; and supposing it to be known at home, as it soon will be known, that these things are going on, there will be no great improbability that if the masters and the men, the best of each kind, were in the habit of meeting each other, these facts will come out, and, as a necessary result, it will be visible to the parties that if these things go on, our cloth will not sell, nor our stockings, and we shall be cut out, and they will make the articles somewhat dearer, but still more advantageous in regard to quality.

1120. Mr. *L. Gower.*] With reference to this rage for cheapness, do you consider that an article of inferior quality that is sold for less money is necessarily cheaper than an article sold for more money?—It is not necessarily heaper.

1121. Cheapness does not depend upon money-price, but upon the excellence of the article sold, in comparison with the price?—Certainly.

1122. Do you think the rage for cheapness, taking cheapness in the sense of having the same article for a less price, has produced any evil?—No; I should not term that a rage for cheapness; that has been the tendency of all the improvements that the world has seen.

1123. Mr. *P. Urquhart.*] You find fault, if I understand you rightly, rather with the frauds to which cheapness gives rise, than with the cheapness itself; do you think that the public in France are better judges of the genuineness of an article than the English public are?—No, I do not think so.

1124. Do not the "Conseils des Prud'hommes" in France affix a regular mark to the article which comes under their notice, which shows that it is what it pretends to be?—I do not know that they do; but if a man sells one article for another, he is directly amenable to that court.

1125. If the same thing existed in England, would not that prevent the evils to which a rage for cheapness has given rise?—I think so. There is one thing that I should like to refer to; I think that a disposition on the part of the employed and the employers to view their interests as one is not impossible to be brought about, among other reasons from the peculiar experience which I myself have had, and which I should desire to mention to the Committee. In the year 1829 the bobbin-net lace trade of Nottingham found itself much depressed, and it was desired to remedy that evil, and the desire appeared to be mutual on the part of the masters and the men; the masters eventually agreed at a public meeting that they would be bound by the operations of a committee, constituted among themselves, to work a certain number of hours per day; they constituted that committee, and a deed was drawn up, upon the signing of which by the owners of seven-eighths of the whole machinery in the trade, they agreed that the committee to be constituted as provided therein, should regulate permanently the working hours of the trade; this seven-eighths was not quite, though it was nearly obtained, for the committee found that there was not perfect unanimity among their constituents, and gave up their operations; but nearly seven-eighths did sign this peculiarly constituted deed, and it was to prevent its coming into legal operation as against the seven-eighths that the remainder of the seven-eighths did not sign; but it was felt that there was so great an amount of confidence and such an amount of uniformity in the result, that when the committee, after 10 months'

W. Felkin, Esq.

3 April 1856.

operation, in which they had bound the whole of the trade to their views as regards working hours, made it publicly known on the morning of one day that they should at a public meeting on the next day give up their duty, thus practically breaking up this extraordinary union. I received, being the chairman of the body, throughout the whole matter (not that I had any peculiar interest in it, but I was requested to act in that position), a document signed by 1,600 journeymen in two hours, requesting that body to continue their operations. They had continued their operations for ten months without employing any force; and I believe I am safe in saying that half a dozen squares of glass were not broken in carrying out the operations of that body; that is an instance to show in what large masses the employers and employed would be likely to co-operate when once the thing was brought into operation and felt to be a practicable and desirable thing, and if there was a legal arrangement whereby their reasonable decisions could be carried into effect. It is true that in this instance the committee regulated the working hours, a point which I think from my experience then, and the observations I have since made, is not practicable; I thought it would be interesting to the Committee to learn that such a circumstance had once occurred; I think it is the only instance in which such a thing has been carried on to such an extent voluntarily and with such unanimity.

Mr. *John Andrews*, called in; and Examined.

Mr. *J. Andrews.*

1126. *Chairman.*] WHAT situation do you hold?—I am a carpet-weaver.

1127. Do you belong to any particular society?—None.

1128. Mr. *Ingham.*] You are in the employment of Messrs. Henderson, of Durham?—Yes.

1129. They are carpet manufacturers to a great extent?—Yes, they are very extensive manufacturers.

1130. How many years have you been in their employment?—Nearly 20.

1131. Has there been during the time that you have been with them any special arrangement come to among the carpet manufacturers for the purpose of adjusting questions between themselves and the workmen?—There has.

1132. How long is it since that took place?—It took place in 1839.

1133. Were there any particular circumstances which led to such an arrangement at that time?—The carpet trade in common with all other trades previously to that period was almost continually in a broil about strikes, either settling a strike, or talking over one, or in the midst of one.

1134. Did not Messrs. Henderson and some other leading manufacturers meet together to consider how that might be prevented?—I believe Mr. William Henderson and Mr. Crossley, of Halifax, and the late Mr. Howard, of Leeds, met together to form an association of all the carpet-manufacturers of the North of England.

1135. Is Mr. William Henderson aware that you have come up here?—Quite.

1136. Do you come up at the request of your fellow workmen?—This trade generally have derived great benefit from the state of things in the carpet business, and we have all along taken great interest in subjects of this kind; I consulted some of my shopmates and my employers, and as the result of this consultation I come here.

1137. Will you state what was the result of the agreement which these manufacturers came to?—The regulations I do not know; I can only state what was given out to the operatives.

1138. What was stated to you?—Previously to this arrangement there existed an association among the operatives all over the country. The masters had a meeting at Barnard Castle, I think it was in 1839, and drew up a bond of union among themselves, binding themselves in a heavy penalty to produce an equalization of wages, and agreeing that no master should be allowed to reduce below that scale, without the consent of the whole; and after the meeting broke up, the workpeople of the different parts were called together, and the masters of the different firms told the workmen that they should premise, that in the formation of this association one of the rules was, that the association of operatives should be broken up. The masters of the different manufactories called the men together, and told them that they had associated, with a view to break up our association; that produced a very hostile spirit indeed. Previously to that period the operatives were on anything but good terms with the employers, and

and the same feeling existed among the employers towards the operatives; and when they intimated that they had determined to break up our association, and had made one of their own, we expected the worst results to follow: however, they pledged themselves that there would be no reduction of wages, and that they would endeavour to prevent the reduction of wages in any particular firm; that all they wanted was to produce peace in the trade, and a uniform system of wages. That system went on quietly till 1843, when a firm not connected with the association, offered a reduction of 10 per cent.; it was an extensive carpet manufactory; perhaps there were 200 men employed in it. The operatives, both of England and Scotland raised money for the purpose of enabling the men to strike, and a strike was the consequence. After it had existed about six or eight months, the association of masters held a meeting, and sent a deputation to the manufacturer whose men were on strike, to endeavour to bring about a reconciliation between him and his men; the deputation was composed of Messrs. Henderson, Crossley, and Howard; and I believe they were successful in bringing about a reconciliation.

1139. Have the master manufacturers any annual meeting?—Yes, they have a meeting on the second Thursday in July.

1140. You have stated that the manufacturers united together; are there any workmen sent up from the different firms to meet the manufacturers on these occasions, and do they make any representations?—Perhaps one month before the meeting takes place the men have notice of what town this meeting is to be held at, and, if we have anything to ask, the men at the different manufactories correspond with each other; delegates are elected from the factories; the delegates go to the same town; the delegates meet in one room and the masters in another. The masters have a chairman and the delegates have a chairman; the chairman of the masters and the chairman of the delegates alone generally debate upon the propriety of the suggestions, and the others put questions if they think anything left out.

1141. Have you yourself been on any of those occasions a delegate?—Six or seven times.

1142. The meetings are not held at the same place, but at various towns?—Yes.

1143. What were the towns they held the meetings at?—York and Harrowgate; one was held at Barnard Castle.

1144. Over how wide a district does this association prevail?—Yorkshire and Durham.

1145. How many firms take part in it?—I think about 26.

1146. Have you known in those meetings of the delegates of workmen, for discussing their affairs, that any proposals have been made by the workmen for an advance of wages, which have been conceded by the masters, or of any proposals for a reduction of wages made by the masters which have been granted by the workmen?—The first application was made for an advance of wages which was granted; the delegates showed reason why a certain kind of work should be increased in wages, on account of the greater difficulty of making it, and the masters granted it; and two years after that there was an application made for a further advance of 10 per cent., which was acceded to, on the condition that if two-thirds of the manufacturers, not in the association, agreed to the same advance as the associated masters, then the advance should be permanent; but that if two-thirds of the masters, not in the association, did not agree, the advance was to last for six months only.

1147. What was the result of that agreement?—The issue was that the unassociated masters gave the advance for a time, and then some disturbance took place, and a reduction followed.

1148. Was that reduction universal in the trade, or confined to those out of the association?—The associated masters reduced their wages after the others had done so.

1149. Was the reason why they resolved on that reduction explained to the men?—Yes.

1150. Was any strike occasioned by that reduction?—No; there was no bad feeling occasioned by it.

1151. The masters explained to the men the circumstances which made it impossible for them to give more than the rest of the trade had given, and the men acquiesced in it?—Yes.

Mr. *J. Andrews.*

3 April 1856.

1152. You say that there are 26 manufacturers in the two counties which are in the association; are the firms which are not in the association in other parts of England?—I do not speak definitely as to the number of firms in the association.

1153. Do you know how many firms there are which are not in the association?—Nearly as many, perhaps 20.

1154. How many workmen are employed in the 26 manufactories which are in the association?—Upwards of 2,000; between 2,000 and 3,000.

1155. Do you suppose that the manufactories not in the association would be of the same size?—No, they are not so numerous.

1156. Does the association comprise the principal carpet manufactories of England?—Yes.

1157. Has the experience of this association on the part of the workmen in your trade been such as to make them desirous that their brother workmen should participate in the same benefit?—That feeling is so very general, that when a strike took place in the cotton manufacture of Manchester, some time in the earlier part of last year, the workmen of our factory got up an address to the workmen of Manchester, which has been printed in the "Times," showing the good feeling which has existed in the carpet trade as compared with other trades, and particularly to show the good feeling in the minds of the masters. An extract from a letter by Mr. William Henderson was put into this article, and into the address to the operatives. This address showed our position, and that during 16 years we have not had any reduction of wages, but that at the present day we have a 10 per cent. advance, and recommended them to wait upon their employers, and endeavour to bring about an arbitration, and have their dispute settled in that manner; this document, after being printed, was sent to all the factories in the carpet trade, both to those who were in the association and to those who were not; there was only a limited time allowed for the answers to come back from these factories, as we were anxious to have the document sent to the Manchester men as soon as possible; and within two posts we received the signatures of 26 of the principal firms in the trade. That address was sent to the Manchester men as a public document from our trade; I have two or three of the letters which were sent to me with these signatures, in my pocket, which will show the feeling entertained in the trade about it.

1158. Viscount *Duncan.*] Did the operatives on strike at Manchester adopt your suggestions?—They met two or three days afterwards, and sent a deputation to their employers, requesting arbitration, which the employers refused.

1159. Mr. *Ingham.*] Was that address from your factory signed by the workmen or by the masters?—By the chairman of the operatives in the name of the factory. It was not to the masters, but it was an address from the operatives in the carpet trade to the operatives in the cotton trade; we told them that the scheme we had adopted had worked well in our trade for 16 years, and that we did not see any reason why it should not work well in their trade.

1160. Are there any other questions besides those of wages which have been considered in these meetings?—There have been no other questions considered, except those of wages.

1161. Are workmen's houses provided by the masters in your trade?—No. The only questions we discussed were as to wages.

1162. Are there any regulations in your trade as to the hours that the factories are to be kept open?—Yes, and rules of conduct.

1163. Have these ever been matters of discussion between you and the masters?—They have individually, but not collectively. A body of rules has been drawn up in the factory to which I belong, and these have been discussed between us. Some were not to our mind, and we stated our objections to them; but it went no further than a discussion between ourselves.

1164. Did you not state that all strikes about wages had been prevented by your association?—Yes, as far as the association was concerned. During the time the association has been formed, there have been five strikes in our trade out of the association, and all these five strikes have been settled by the joint efforts of the masters and the men. When any firm not connected with the association refused to give the wages which the men in the trade charge, the associated masters and men have joined together and laid on so much per week on each man to make up the sum for the men on strike, and they have received

received allowances heretofore, according to the number of their families; for example, the young men have 8 *s.*, per week, and the married men 10 *s.* and 1 *s.* 6 *d.* for each of their children during the strike. One of the strikes lasted ten months, and a deputation of the associated masters waited upon the master, whose men had struck. The masters and the men in our association have always acted in unison in these cases, because if the masters out of the association were to reduce the wages, of course all the wages in the whole trade must be reduced at the same time, otherwise they could not go on. If one firm was paying 10 per cent. less wages than another, it would give them an undue advantage in the market over the other who was paying a higher rate. The associated masters waited upon this manufacturer, who was endeavouring to make a 10 per cent. reduction, and he agreed to submit the dispute to arbitration; and a Mr. Smith, of Deanston, was selected, and the operatives on the one hand, and the master on the other, agreed to submit to the decision of Mr. Smith; he examined the case, and gave the decision in favour of the men.

1165. Not only, then, have you avoided strikes yourselves, but your interference has been the means of preventing strikes out of the association?—We have stopped them all.

1166. Mr. *A. Pellatt.*] What is your opinion with regard to a joint jury of masters and men sitting as an umpire, in order to settle these questions?—I am perfectly satisfied that that would be the best thing that could be adopted for the working classes, and not more for them than for the masters.

1167. Would you make it imperative if a party demanded arbitration, that the award should be binding upon the other party?—If any one is dissatisfied, I would give him the power to resort to arbitration.

1168. Should the decision in that arbitration be binding on both parties?—Yes.

1169. Do you know that under the former Act of Parliament there was an attempt to introduce arbitration?—Yes.

1170. Has that Act of Parliament ever been resorted to in your trade?—Not to my knowledge.

1171. Is there any objection to it?—In the cotton trade I have known it applied, but I do not know much about the working of it; I know that in the cotton trade the aggrieved party went to the magistrate, and an arbitrator was appointed, and the case settled in that way, but I have never known it in our trade.

1172. Is there an objection existing in the minds of the workmen to an application to the magistrates?—I do not know of it.

1173. Mr. *L. Gower.*] When has it been adopted in the cotton trade?—It was 25 years ago.

1174. Mr. *L. Gower.*] Does this system which you describe answer the same purpose?—If the masters in different trades were to adopt the same principle as the masters in the carpet trade, there would be no necessity for anything else, but the masters will not do it; there is an antagonist spirit between the masters and the men, and they will not go into any agreement; they have no confidence in each other.

1175. Has it not been beneficial in your trade?—In our trade, as far as it is concerned, supposing the system to be generally carried out, if a master out of the association offered a reduction of 5 or 10 per cent., the men would object to that deduction as a matter of course; and if the master was compelled to arbitrate the case, he would have all that he ought to desire, and no strike would ensue.

1176. *Chairman.*] Is it your opinion that the law, as it now stands, is defective?—As the law now stands, if I understand it rightly, no party has the power to compel arbitration; he may ask for it, but if the master refuses it, he can go no further.

1177. Is it your opinion that any alteration in the law, giving authority to make these arbitrations compulsory, would be beneficial?—I am clearly of opinion that if they were compulsory, it would be a benefit to the country, both to the employers and to the employed.

1178. Viscount *Duncan.*] Is it your opinion that the result of arbitration in all cases would be to prevent the reduction of wages?—It would not, in all

Mr. *J. Andrews.*

3 April 1856.

cases, prevent a reduction of wages; circumstances may arise when a reduction of wages is necessary. Wages, as well as every other mercantile commodity, will have to be governed by circumstances; it would prevent strikes, by preventing grasping individuals from endeavouring to take advantage of other manufacturers.

1179. *Chairman.*] Is it your opinion that such councils would tend to prevent strikes entirely?—I think so.

1180. Sir *H. Halford.*] Would they prevent the alteration of wages?—These courts would not prevent that; wages like every other mercantile commodity, must depend upon circumstances.

1181. Do not wages depend upon prices?—Yes; but if trade is prosperous (I speak more particularly of the woollen trade), and wool cheap, masters are able to give higher wages than when wool is dear, and trade flat; a dull trade and high priced wool will have a material effect upon the price of wages; other circumstances may affect the rate of wages so as to make it unreasonable to maintain them; cases of this kind have occurred, and will occur again, in which the men would willingly agree to a reduction of wages. Six years ago, the masters out of the association reduced their wages, and the men in the association never contemplated that their masters would keep up their wages, and they were perfectly willing that they should reduce them, to meet the other manufacturers in the market.

1182. Do I rightly understand you to say, that these courts are to settle the price that is to be given for a certain amount of work?—I did not intend to say that; what I mean is, that if a dispute arises between a master and his work-people, which, under present circumstances, would lead to a strike, the aggrieved party may demand an arbitration on the question in dispute, and both parties shall be bound to abide by the award of the arbitrator; for example, suppose a master to offer to reduce the wages 5 per cent., and the work-people to refuse to assent; as the law now stands, the result is a strike; but if the men had a right to say that they would not accept the terms, but that they would submit the case to arbitration, and the men appointed one arbitrator, and the master another, and the two sat upon the case and heard the evidence, and gave their judgment, I am satisfied that there could not by possibility be a strike.

1183. Mr. *Ingham.*] In meetings of your trade, does each firm send a representative for the masters, as well as a delegate for the workmen?—Each firm is represented by one master, and the men by their delegates.

1184. How are the delegates of the workmen elected?—By the whole body of workmen in each firm; they meet about a week before the masters' meeting, and elect one to represent them at the meeting.

1185. Are there any Scotch manufacturers belonging to your association?—None; they have a sort of association among themselves, although it is not so binding as the North of England Association. They have their meetings occasionally, when there is anything of any importance in the trade. It is only in a case of particular dispute that they meet.

1186. Do you know whether their meetings have been found successful?—I do not think they have been so successful as ours. Their meetings are not so systematically held, but the understanding between them and the men is better than it was.

1187. Whether there is a dispute or not, you have a notice given annually that there is going to be a meeting, and that you may attend it, if you please?—Yes; and if we do not attend, it is considered that we have nothing to complain of.

1188. Viscount *Duncan.*] In the course of your experience, has the understanding between the masters and the men become better than it used to be some years ago?—Yes.

1189. *Chairman.*] To what do you attribute that change?—To this meeting between the masters and the men.

1190. Have you any opinion to give as to the manner in which this proposed council might be formed?—I would not give an opinion as to the formation of the councils, but I would give a strong opinion as to the desirableness of making the decision of the council binding on both parties.

1191. Will you give the Committee your opinion as to the subject?—I would have a simple process. If the masters offered any rate of wages which the workman

man did not choose to accept, instead of forming themselves into an association for assistance, I would give them power to go to a properly constituted authority, and to say that their rate of wages was going to be reduced, and that they did not consider that the state of trade justified it. The master would have notice of the matter, and both parties would come up, and each party would appoint an arbitrator. These two arbitrators would hear the evidence of the case, and their decision should be final. If the market were in such a condition as to necessitate the reduction of wages, there is no reason why it should not take place; but if there is no necessity for it, the reduction ought not to take place.

1192. What party should be referred to to summon these arbitrators?—Whether it should be a magistrate or a new functionary to be brought into existence for the purpose, I could not give an opinion, but the authority should be given to some party, either a local magistrate or some one else, to call both parties together.

1193. Does not that power exist now by the Arbitration Act?—The difference between the law as it now stands, and what I should propose, may be exemplified by the case of the Manchester operatives. They applied to the masters, and the employers refused their application, and they had no power to compel them to listen to it. If they had had the power to compel them, that dispute might have been settled.

1194. Mr. *P. Urquhart.*] Suppose that after the arbitration is made, the master does not choose to continue as a manufacturer, what would you do then; you could not compel the master to continue his manufacture?—Decidedly not; but it is as necessary for the master to continue as a manufacturer, as it is for the men to continue as workmen.

1195. Mr. *Ingham.*] Do you think it would be better to have an arbitrator appointed in each case of dispute, or to have a standing board, well acquainted with the circumstances of trade?—I believe that the operatives would have more confidence in the men appointed by themselves, than in a standing board, and each party should elect their own delegate.

1196. If the standing board were elected, part by the workmen, and part by the manufacturers, would that give satisfaction?—I believe that arbiters appointed by each party with an umpire would be satisfactory.

1197. Is it not more desirable in some respects to have a standing board, to which you might always refer every question of dispute, than to have people chosen at the time who might have some bias?—Yes.

1198. Mr. *A. Pellatt.*] Is not the carpet trade a very flourishing trade?—It has been very steady.

1199. Is not that shown by the fact that the price of wages has been increased 10 per cent.?—I think that if we had not had that association we should be in a very much worse position than we are now.

1200. Supposing that the carpet trade had been in an unprosperous condition, and that the masters could not sustain the wages given to the workmen in the event of there being an arbitration, and the arbitrator deciding against the masters that they should be bound to pay a higher price than they could afford, would not that have a tendency to shut up the shops?—Altogether; but I can scarcely conceive that state of things to arise if the case is laid clearly before two arbitrators or one arbitrator, they being unbiased gentlemen, and hearing the evidence laid down clearly and distinctly before them. If it was shown clearly by the manufacturer that it was impossible to maintain the present state of wages, I can scarcely conceive of any gentleman being so unjust as to give such a decision.

1201. You think the constituted authority could not come to such a decision?—I do not think it could.

1202. Might it not possibly happen?—It is not likely to happen so long as the press has such a power as it has; these courts will be like the other courts of the country; the press will be introduced; it would stop a crafty manufacturer from reducing wages, because it would bring him before a judge and jury of his countrymen; the reasons of each side would be introduced in the papers, and public opinion would prevent the masters bringing such things into court unless they had a good cause.

1203. Supposing a foreign trader in the same line brought down his prices, and the masters were obliged to meet it, and the price they received forced them to reduce the wages, what would you expect to be the result?—In our trade, if

Mr. *J. Andrews.*

3 April 1856.

such a state of things did arise, the masters would show us clearly that the competition from foreign manufacturers was such, that it was impossible to carry on trade profitably, and we should think it our interest as well as our duty to submit to a reduction.

1204. Has not that occurred four or five times in your trade?—I think it has occurred twice; there have been five strikes.

1205. Viscount *Duncan.*] Would not it require the arbitrator to be well acquainted with the trade, in order to enable him to settle the disputes in it?—I think the arbitrators should be so, but the umpire need only be a man of sound discretion and honesty.

1206. Of how many parties would you propose that the standing board should consist?—I do not myself approve of a standing board. I said that if the workmen had the naming of their own arbitrator, they would have confidence in him. The question was asked, if a standing board was established, would it not be better; and I said it would save a good deal of trouble if a standing board were in existence; but I am satisfied that in a disputed case both parties would have more confidence in an arbitrator of their own appointment.

1207. Is it your opinion, that in each individual case an arbitrator should be appointed for each side?—I am of opinion that that would give most satisfaction, but a standing board would give less trouble.

1208. Mr. *A. Pellatt.*] There would be no objection to a standing umpire?—No.

1209. *Chairman.*] An umpire not connected with either masters or workmen?—Yes.

1210. Do you think that such a board would do away with strikes?—I am clearly of that opinion.

1211. Would you think it most desirable to have it?—Just so; however bad strikes are to the workmen, I believe that they are more disastrous to the manufacturers than to the men. In one strike that I was engaged in, we did everything we could to prevent that strike; we reasoned with them, and wrote letters to them, and did everything men could do to prevent the strike, but at the end of four weeks we were compelled to recommend a strike, because if the full wages had not been given, the uniformity of wages would have been reduced throughout the country, consequently self-preservation forced us to such strike; the men were not comfortably supported, but they had as much as enabled them to keep moving on for 10 months. At the end of 10 months, it was settled by Mr. Smith, of Deanston, the arbitrator, but at the end of 12 months after that strike, that firm, one of the largest establishments in the country, became bankrupts to a large extent.

1212. *Chairman.*] Do you consider that that failure was caused by the strike?—I have no doubt of it; a few weeks before this time 12 months a case occurred at Haverhill; a manufacturer was paying extremely low wages, and just the same as in the other case, the Haverhill manufacturer must either have paid the current amount of wages, or all the other manufacturers would have to come down to his rate of wages; the result was, that they were reluctantly driven into a strike; a deputation of the masters waited upon the men belonging to the manufactory, and showed them the impropriety of going on, because the weavers could not by any possibility lose; they were paying 6*d.* a week to maintain the strike, and if they gave way, they would lose 1*s.* 6*d.* a week. After holding out for eight months he saw the folly of it, and he gave up; and within six weeks he became a bankrupt; I do not know any instance of a protracted strike in which the masters have not gone to the wall.

1213. Sir *H. Halford.*] You say that it is more important to the master than to the man to avoid a strike?—Yes, because the men are supported during the strike.

1214. How are they supported?—If it is a very large strike, 1*s.* a man is laid on upon the other workmen in the trade, and two men are sent to the scene of the strike, and all these shillings are sent to the men who are to look over it, and they pay the men the weekly wages.

1215. Is that done with the knowledge of your employers?—Perfectly so; in fact it is to their interest that it should be done.

Martis, 8° die Aprilis, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Gordon.
Mr. Wise.	Mr. Apsley Pellatt.
Sir Henry Halford.	Mr. Cobbett.
Mr. Pollard Urquhart.	Mr. Kinnaird.
Mr. Booker Blakemore.	Mr. Leveson Gower.
Mr. Lowe.	Lord John Manners.
Viscount Goderich.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

William Edward Forster, Esq., called in; and Examined.

W. E. Forster, Esq.
8 April 1856.

1216. *Chairman.*] WILL you state to the Committee your profession?—I am a worsted spinner and manufacturer.

1217. You are aware of the motive of this Committee in assembling; would you have the kindness to state to the Committee your experience of the present system existing between masters and operatives?—My partner and myself have about 700 workpeople under our employment in the trade of spinning worsted yarns, and the manufacture of worsted goods; I believe that this Committee has been summoned in order to consider how far strikes could be avoided in future; in one respect I am not a very good witness upon that matter, as we have not had strikes in our district to any very great extent.

1218. What is your opinion of the present law, with regard to the masters and operatives, which refers it to the magistracy to decide any disputes between them?—I heard the allusion to that law yesterday, but I never heard of it before, and I think that very few people that are practically engaged in the trade have heard of it; Viscount Goderich put the law into my hand this morning, but until that time I had never seen it.

1219. Mr. *P. Urquhart.*] Where is your district?—Our mill is about 10 miles from Bradford; we sell our goods in the Bradford market.

1220. *Chairman.*] You have had no strikes in your part of the country?—Since I have been in Yorkshire, which is about 10 years, I cannot remember any general strike similar to the Preston strike; there have been occasionally special strikes that have been directed against one particular master, or perhaps against two or three particular masters; but I do not remember a strike anything like so general as the engineers' strike or the Preston strike.

1221. Viscount *Goderich.*] Have you ever had any strikes against yourselves?—No, we have not.

1222. To what do you attribute that?—I do not know that we have had any differences with our men, which might have resulted in strikes; we have occasionally had differences, but we have always prevented their coming to any disagreeable issue, by being on the watch to listen to any cause of discontent or disagreement, and by meeting the workmen ourselves.

1223. *Chairman.*] Has your plan been to attend to their demands in all cases?—By no means, but to meet them and settle the question with them: we have generally found that they have been under some misconception as to what we intended to do; if we have heard our workpeople disliked to do anything which we desired them to do, we have asked them their reasons, and we let it be clearly understood that if any one had any objection to the mode of conducting the business, they are to come to the masters, and not to receive anything they hear from the overlookers as decisive.

W. E. Forster, Esq.

8 April 1856.

1224. Viscount *Goderich.*] Do you consider it necessary to keep watch over the overlookers?—Yes; I should think that every person who wished to do the best for his people, and for his trade, would get the best overlookers he could; but, owing to the want of education, it is difficult to get people so likely to be just to the men as the masters themselves; and I should attribute the good management of a mill very much to the master not delegating his authority to overlookers.

1225. Although you have not had any strikes in your district, I suppose you have considered the subject of strikes?—Yes; I attribute our exemption from strikes very much to the exceeding variety of goods that are made in our district; the same sort of goods is not made by many masters, and consequently there is not the same list of wages to pay and to differ about. There may be differences in the mode of payment between one master and another, but they are not differences that would be very palpable.

1226. *Chairman.*] They would not unite all the workmen together?—They would not unite all the workmen together; the different mills are not precisely in the same position as I imagine they are in the cotton trade.

1227. Viscount *Goderich.*] What do you consider to be the chief cause of strikes?—The chief cause of them doubtless is, that the seller of labour conceives that he ought to get more for his labour than he has, but which he cannot get, owing to his peculiar circumstances as compared with the sellers of other articles, without the assistance of his fellow sellers. If you wish to go into the hidden causes of it, I would say that I attribute it very much to this, that, generally speaking, in questions of buying or selling, the buyer fixes the fall of the article, and the seller fixes the rise of it; that is to say, if people are in the habit of buying wool in the market, and there is a greater demand for wool than there used to be, they do not go and offer the woolsellers an advance, but they wait till the woolseller asks them for it.

1228. Does not the seller fix the rise and the buyer the fall?—The seller fixes the rise, the buyer fixes the fall; the buyer is the person who makes the change in the fall, and the seller is the person who makes the change in the rise; if the market is upon the rise for wool, the buyer goes to the woolseller, and makes him give a higher price; if the market is on the fall, the seller is the conservative, if I may so speak; he wants to keep the price as high as he can. In the labour market, of course, if we take the question upon the general principle of supply and demand, it would apply in the same manner; the labourseller would, when wages get brisk, ask for an advance; but his asking for an advance is not a demand which he may think very likely to be attended to, unless he is in a position to refuse to sell unless he gets it; and, in order to do that, he feels it necessary to have the power of combining with his fellows.

1229. Is it your opinion that that principle applies to every department of buying and selling?—I should say that was the general principle that governed the buying and selling of articles.

1230. So that, in accordance with that law, it devolves upon the workman to propose a rise, and he being unable as an individual to stand in many cases against his master, for that purpose combines with his fellows to raise the market?—Yes; if I were asked to give a philosophical reason for strikes, I should give that as the reason of them.

1231. Do you consider that in that view strikes are always an evil?—I think that strikes are always an evil in themselves, for this reason, that the master very rarely allows a strike to take place, except when the law of supply and demand would put the seller of labour in the wrong; consequently strikes are almost always a mistake, to put them upon no worse ground.

1232. *Chairman.*] Do you think that there is any truth in arguments of the demagogues, that the strikes will force the masters to raise their wages?—I do not think the actual strike does so, for this reason, that the masters generally would raise the wages without the strike, if the state of trade and the relation between the supply and demand of labour warrants their doing so. There may be special reasons for a strike, but that is the general rule, I think.

1233. Viscount *Goderich.*] Do not you think that the dread of a strike often has the effect of keeping up wages?—I think that certainly the probability is, that the sellers of labour would not, without combination, get an advance of the price so often as they would with other articles, and, therefore, you may say the

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fear of strikes and the recollection of strikes are, if you look upon the question solely as a question of bargain, the means by which the labourer often gets his increase of wages.

1234. Do you think that there are any other elements which enter into the relation between master and man, besides the one which you describe as a question of bargain?—I think, if we treat the question solely as a question of bargaining, we are likely to have a continuance of strikes, or something tantamount to them. But I think that we are engaged in the same labour, and that the relation of limited partnership is quite as much that which exists between us, as the relation of buyer and seller of an article. We are all partners together, and if one succeeds, the other must first or last succeed; if one fails, still more certainly the other must first or last be without daily support.

1235. *Chairman.*] Do you think that the strike system is likely to continue?—I should hope not. I should think it more possible the master and the operatives would arrive at the conviction, that although there is a bargain made between them, yet that it is a bargain made between different partners, if I may so speak, and that in order that the bargain should be advantageous to either side, it must be conducted with the recollection of the necessity, if I may use the term, of continuous co-operation.

1236. Do you look upon the prevention of strikes as likely to arise from the increased attention to the partnership relation?—Yes.

1237. Then coming to the question immediately before the Committee, are you in favour of an arbitration tribunal of any kind to settle disputes between masters and workmen?—I should first require very strong proofs that the disputes exist; I should consider any such tribunal an evil in itself; any interference between partners in trade, or such partners even as the employers and employed, an evil in itself in the same way, though of course in a much less degree, as an interference between the relation of man and wife.

1238. *Chairman.*] Would not such a Council of Conciliation as is proposed tend to soften the asperities arising in the operatives, perhaps from their interests being neglected, and in the masters, from the operatives insisting upon a higher rate of wages?—I can hardly answer that question, without knowing what is proposed; for I can hardly conceive that any tribunal, however constituted, would be so useful a mode of settling these matters as would arise from the masters and the operatives meeting one another with the desire on the part of the masters to act justly towards their men; I think that the two classes, the employers and the employed, know more about their position than any third party possibly can. There must be something wrong in the state of society in which they exist, or in their relation the one to another, if they cannot settle it themselves; therefore in reply to that question, I should say that such a thing would be too great an evil to be contemplated, except when there either was a hostile organization of one body against another, or when there was such a state of things, which we hope does not often exist, as to create a need for such an organization.

1239. I think, if I remember right, Dr. Adam Smith says in his "Political Economy," that masters may combine, and so may workmen, but that of the two, the masters have more chance of holding out, and therefore of gaining their point, than the workmen; first, because they are fewer in number, and can combine more easily, and also because they have more capital to go upon; do you agree with that opinion?—If it comes to a question of power, I dare say it is the case; if it is a question of inclination, I hardly think it is so.

1240. Lord *J. Manners.*] Do you think that a Council of Conciliation or a Board of Arbitration would be an evil?—In districts where strikes are usual, the evil that has taken place already is so great an evil, that almost any evil would be an advantage in comparison with it; but I think it would be an evil to introduce it into a district where strikes were not usual, and where masters and workmen settle their disputes by themselves.

1241. In those districts, or in those trades where strikes are frequent, are you of opinion that the institution of some such Board as I have referred to, would be a greater evil than the continuance of the system of strikes?—No, I cannot say that I am; of course I must qualify that answer on account of my ignorance of the mode in which the Board is to be constituted; I must guard myself

W. E. Forster, Esq.

8 April 1856.

against declaring even that a Board would be the best mediatory mode of settling disputes. Supposing that some third party were constituted as an appeal, I should say that strikes are the very worst mode of settling disputes, and that that would be better.

1242. Viscount *Goderich.*] Are you able to give the Committee any suggestion for the formation of such a tribunal?—I certainly am not; I have thought a good deal upon the subject, but I am not able to see how such a tribunal could be formed.

1243. Do you think it would be desirable that it should be composed something in the manner of the French "Conseils de Prud'hommes," partly of the masters and partly of the men?—I never went to France to look into the working of their "conseils," but so far as I can understand it, from looking into the papers which I have seen upon the subject, their primary object does not appear to be the settling of the question of wages, which I understand to be the question before the Committee, but they settle the questions of law which arise between the masters and men, which the common law of England also decides. The state of things would be so very different here from what it is in France, that I hardly think they would be applicable here, because they would not, as it were, have a *locus standi*. Their chief business is already done by other parties.

1244. Do you think that it would be an advantage to transfer from the jurisdiction of the magistrates questions of that nature to the jurisdiction of such a tribunal?—That is a very difficult question to answer. If a thing is working tolerably well one does not wish to change it. In our district it would be very difficult to form such a body as I understand exists in Lyons. If I am not misinformed, the Arbitration Council at Lyons is composed of the *élite* of the workmen meeting together with certain chosen men of the masters, and a chairman named by the Government. The difficulty in the worsted district, of which I have spoken, which I should imagine exists also in the cotton districts, is this, that the *élite* of our workpeople are overlookers; by far the larger majority of those whom we employ are women and children. The best of the men get put in, either as overlookers, or otherwise as day-men by us; we make a great distinction between our permanent workers and the piece workers. In short times, for example, we keep on the day-men almost universally, and some of the other hands must either be discharged or work short time. There would be a great distinction between overlookers and permanent *employés*, especially between the overlookers and the other operatives. Now the overlookers, who are the aristocracy of the operative class, will not be likely to be chosen by them, because they are supposed to be quite as much on our side as we are ourselves.

1245. Lord *J. Manners.*] Is it not the fact, that in a controversy on the subject of the hours of labour in the manufacturing districts, the overlookers will generally take the lead of the workpeople as against their master?—I cannot speak at all as to what is the case in Lancashire upon that point; I can speak to Yorkshire; but it must be remembered that a considerable section of the masters were in favour of the alteration; I was one myself, and several of the largest employers were strongly in favour of it, so that that is hardly a parallel case.

1246. Mr. *A. Pellatt.*] Have you any association of workmen in your district, either in your own line or any other line of business, for mutual protection, for the advance of prices or anything bearing upon their peculiar interest?—There is no association of the people in our employ, and I think it exists to a very small extent in our district at present; but I cannot speak positively upon that point. There used to be rather a powerful association of the hand-combers. When that operation was performed in the houses of the labourers, and a large body of adult men were employed in that trade, I believe they formed themselves into an association; but the association, I believe, has been broken up as the trade has been broken up, by the introduction of machinery; and at present I do not think that there are any associations of much importance in our district.

1247. Have you ever been forced into a higher price by means of associations or strikes?—No; I cannot speak personally as to having suffered at all from any act of the workpeople below me.

1248. Consequently there has been no association of the masters to meet a strike in your district?—I have never had to do with one myself at all. I am not

not sure whether there was not in one of the neighbouring towns an association of one or two of the masters; that is to say, they acted together. I do not think they were under any bond. But it is not a common thing in our district, and I believe it does not exist at present.

1249. Is there any need for the existence of such an association in your district?—No.

1250. Mr. *P. Urquhart.*] Do not you find disputes occasionally arise from other causes besides wages, such as about time-work and patterns?—Yes; there are certainly such disputes occasionally. I think that, generally, if it is a dispute of much importance, the difference is upon a question of remuneration of some kind or other, because it is quite possible to make a question of time-work, which appears to be one of work only, a question of wages.

1251-2. Do not you think some such tribunal as has been suggested to settle such disputes, much better than any other mode?—I must repeat what I said before; I think that the best mode of settlement is for the employer and the employed to settle their disputes together.

1253. Is there always that sort of friendly feeling between the masters and the operatives which leads them to settle disputes among themselves, or do not they on some occasions regard each other much in the same manner as masters and schoolboys do?—I think there is sometimes some feeling of that sort. I do not know that it is so in our district.

1254. You were talking just now about overlookers being the *élite* of the *employés*; do not you think that when cases of dispute arise about quality of work and time-work, they would be looked up to with confidence by both parties, to a great extent?—I should hardly think that they would; I think they are so completely the agents of the masters in overlooking the people, that it would be difficult for the masters to appeal to them. I do not think they would like to do it; it would be lessening their authority among the people; it would be like a captain appealing to his mate as against the sailors. Practically, a master does appeal to his overlooker; for instance, if we heard of our workpeople being discontented, probably the first thing we should do would be to call the overlookers to us, to see if they could explain the reason; and thus we should interrogate them before we interrogated the workmen, and find out what was the matter; and then we should meet the workpeople themselves, if they had not already come to us; but we should never think of saying, "Now we will leave it to the overlookers to settle between us," because, if we did so, we should lose our authority.

1255. You have heard the chairman quote the opinion of Adam Smith, to the effect that in combinations the masters always have the advantage over the workmen; do you think that that is always true; for example, if a master cannot make up an order on a certain time, is not his loss very heavy?—Either party is at the mercy of the other according to the state of trade.

1256. Does not the master always lose the interest of his capital spent upon the mill?—Yes; there are circumstances in which we should suffer more from our workmen going away than they would suffer from going; it depends upon the state of trade.

1257. Viscount *Goderich.*] Did not you say just now, that there were some states of the relation between masters and men in which you thought that a tribunal of this sort might possibly be a less evil than the continued existence of the present state of things?—If there is a constant succession of strikes, or even if a violent strike is going on, it would be an advantage if there were any tribunal that could be brought in to settle the matter. I think if there had been such a tribunal at Preston, very likely the Preston strike might have been obviated.

1258. In what manner would you suggest that such a tribunal should act in these cases?—That is almost too difficult a question for me to answer. I was not aware of the existence of the Arbitration Act until it was mentioned to me yesterday. I do not think it is generally known in the county; I do not believe there is one master within ten miles of me that has heard of it, or any of the workpeople either.

1259. Then you have, of course, never known of its being applied?—Certainly not.

W. E. Forster, Esq.

April 1856.

1260. Do you think that this Act, if put in force, would be advantageous?—There is a particular clause of it which provides for arbitration.

1261. You allude to the 13th Clause, which is as follows: "Provided always, and be it further enacted, that as well in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon final and conclusive between the parties; and the same proceedings of distress, sale, and imprisonment, as hereafter mentioned, shall be had towards enforcing such award (by application to any justice of the peace of the county, stewartry, riding, division, barony, city, town, burgh or place, within which the parties shall reside), as are by this Act prescribed for enforcing awards made under and by virtue of its provisions"?—Yes. I cannot help thinking that if during the time of any strike, or at the beginning of it, either party had appealed to this Act, and said that they were willing to make use of the provision of that Act of Parliament, by so doing they would have put themselves in rather a better position in the struggle, and consequently the other side would have been rather shy of allowing them to remain in that better position by thus availing themselves of it.

1262. *Chairman.*] Do you coincide in the opinion which the Committee has heard from several of the witnesses on the subject of the working of this clause; that the workmen do not like to refer to the magistrates, thinking that the magistrates are rather connected with the masters?—I cannot speak to anything actually existing, because I do not think that the working classes in our neighbourhood know of the clause; but I can well understand that there might be an objection to making use of the assistance of the magistrates in this particular case, for these two reasons: that either he might be a manufacturer, or if he was not a manufacturer, he might be somewhat antagonistic to the manufacturers; in the one case he would be objected to by the workmen; in the other case by the masters. One gentleman whom we have in our neighbourhood, Mr. Bousfield Ferrand, who certainly would not be looked upon with jealousy by the operatives as being too much upon the masters' side, might be looked upon with jealousy by the masters; but that difficulty might be obviated by both parties having the power to appoint, as umpire on either side, some person to whom these objections could not apply; he might be a magistrate, but need not be a magistrate of the particular district in which the dispute arises.

1263. Viscount *Goderich.*] Could you suggest any mode by which such an arbitrator could be appointed?—I think that in our district our factory inspector, Mr. Baker, might do very well, if we wanted such an officer. But I think that in many districts the factory inspector would not answer the purpose. Mr. Baker has managed to gain the confidence of both masters and men to an extraordinary extent.

1264. Mr. *B. Blakemore.*] What is your opinion of the gentleman who might fill the office of chairman of the quarter sessions; is he looked up to by the workmen, as well as by the masters?—I think he is; certainly, the gentleman who was chairman of our quarter sessions, Mr. Wickham, who is at present a Member of Parliament, would be a suitable person.

1265. Would a Board so constituted meet with the approbation of the people?—I think it would; but I must not be supposed to say that I consider our district to be one where such a court is wanted.

1266. You spoke of relation between the overlooker and the masters; is not it practically the fact that the overlookers are placed as a check upon the workmen, and as assistants to the master?—They are for the purpose of overlooking the workmen.

1267. For the advantage of the masters, and as a check upon the workmen?—Yes.

1268. Their being in the Court of Arbitration would be satisfactory to the masters, but would it be satisfactory to the workmen?—I do not think there would be any advantage in their being there, because they would be the representatives of the masters, and the masters had better have the managers themselves on the Board.

1269. You spoke of the Courts of Conciliation in France; have you any personal knowledge of them?—Not at all; but I have studied their working. I

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began with the expectation of finding that they settled questions of wages; but it does not appear that they do. They appear to settle questions such as are settled by the courts of law here.

1270. Does not there appear to you to be a great difficulty in getting persons to be members of this proposed court, whose interference would be mutually satisfactory to both masters and men?—That is a difficulty which I do not see my way to meet.

1271. Supposing that the decisions of this court were legally binding upon the parties in dispute, would not they at once become courts of judicature under a different name?—Undoubtedly they would.

1272. Would not the repugnance of the workmen to the interference of law officers extend itself also practically to the proposed new tribunals?—I do not think that the repugnance would come from the side of the workmen.

1273. I gather from you, as well as from other witnesses that have been examined before this Committee, that the men have a great repugnance to go before the magistrates?—I have not stated such an opinion; I should not have said so.

1274. Mr. *L. Gower.*] Is the overlooker employed by the day or by the piece?—By the day, almost universally.

1275. Does he overlook one room, or one factory?—A mill is as much organised as a regiment; there is a hierarchy of overlookers, and each particular branch is under one head overlooker, who has the inferior overlookers under him, who manage, some of them a room, and some of them a small part of a room.

1276. Are they called overlookers also?—They are overlookers; I am speaking of all that class of men who are all under the managing partner.

1277. Does the overlooker or the manager employ the people that are under him?—The overlooker ought not to do so; he does not do so in our mill; and I should think that generally he does not do so.

1278. Does he pay them?—No; I do not think that this generally is done by him; it is not in our case.

1279. Is it not so in the cotton mills?—I was not aware of it.

1280. Are all the rest of the workpeople paid by the piece?—I had better speak about what I actually know; our weavers are paid by the piece; they are generally young men or young women; the children are paid by the day as spinners. When I say that the overlooker does not set them to work, I do not say that he does not ever do so. It is impossible that the managing partner can be present at every time at which a new hand is set to work; but we do not consider it is the business of the overlooker to do so.

1281. Practically speaking, has he any power over them, in taking them into work and discharging them from work, irrespective of the master?—One of the great businesses of the master is to take care that he is aware of the power that is exercised in every possible way; of course one cannot prevent his overlooker having great power. An overlooker may take a spite against a hand; one cannot guard against that; and one of the master's particular duties in the working of the mill is to prevent that being done against any one particular hand; but there is a certain amount of power that you cannot take from the overlooker.

1282. When you speak of piecework, do you mean that you pay for the work that is done during the day or the week, and give the person credit for so many pounds a week?—In our case it is paid by the length of the piece.

1283. How is the spinning paid for?—Spinning is paid for by the day; weaving is paid by the piece; wool-combing is paid by the weight of wool.

1284. Are the overlookers a body of persons quite distinct from the rest of the workers in your mill?—Yes, I should say so.

1285. What proportion does the number of the overlookers bear to the rest of the people employed in the mill?—In our weaving shed there would be about 300 weavers; and I think that our overlookers are six in number, but I am not perfectly sure about it.

1286. Mr. *Wise.*] Have not you said that where the master treats his men with consideration, and exercises a general supervision over the works, and takes a personal interest in what concerns the men, strikes ought not to occur?—I do not think they ought.

1287. Is it your opinion that that consideration and supervision is generally exercised in this country?—I cannot speak of any district except my own.

W. E. Forster, Esq.

8 April 1856.

I think practically that we have had few strikes lately in Yorkshire; when I say that strikes ought not to exist under these circumstances, I mean unless third parties interfere; but if there comes any interference from without, it may destroy any relation, however harmonious it may be.

1288. Do not you think that many disputes arise from the absence of any authorised means of communication between the employers and the employed?—There is an authorised means of communication; the workman can always see his employer.

1289. Is it so in large factories, where the employer does not appear in the factory more than once a week?—The managing partner or manager must be there every day. If there is not somebody who has the control of the concern, who is, as I may say, the captain of the ship, the business will soon be in the Gazette. He must be there every day, and it is his business to be always ready to hear any complaints, reasonable or unreasonable, from his workmen; and if they know that that is the case, they will quickly cease to make unreasonable requests.

1290. If an impartial tribunal, at which both masters and men could appear, were established, do you think that that would in any way prevent matters being pushed to an extremity?—If the relation between the two sides is thoroughly bad, they might be enabled to meet one another in that way. If they looked upon one another with constant suspicion, and if there is a hostile organisation on each side, I should imagine that such a tribunal would come in as a desirable thing; but I think it an evil in itself, as I think any interference between persons in such an intimate relation as that of masters and men is an evil.

1291. Are you aware that Parliament passed an Act in the reign of George the Fourth for consolidating and amending the laws with regard to the relations between masters and workmen?—I was entirely ignorant of that until yesterday.

1292. Do you think that the workmen in your district were not aware of that?—I think not.

1293. In reference to the relation between the masters and the workmen, do you think that it is desirable that parties should be left with no other means of settling their disputes than by a comparatively obsolete Act of Parliament, in which the operatives, as we have heard, have no faith whatever?—I think that if a new tribunal is established, there ought to be this safeguard (but I do not know how it is to be arrived at), that in no case should the tribunal settle any dispute until they had had proof given to them that the two sides had had the thing brought before them mutually, and could not agree. I do not think, for example, that our workpeople ought to have the power of bringing any third party to interfere between us and them upon any question, until they had asked us whether we could not settle the matter with them.

1294. If the district, for instance, had adopted an Act of Parliament, authorising masters and men to elect a Court of Conciliation, or an equitable tribunal of some sort, the masters and workmen having agreed to establish this court, would you have any objection to submit to their decision any cases of dispute that might arise?—I would still require the safeguard which I have mentioned. I would put it in this way; of course there may be unreasonable men among our workmen; their requests are sometimes very unreasonable; and if an unreasonable man knew that he could go and give us the trouble of coming before this tribunal without having asked us to attend to his request, I think it would create disputes which otherwise would not happen. I think there ought to be a strong proviso that proof ought to be given, if a complaint came from the workman, that the masters had either refused to listen to the workman's complaint, or that having listened to it, the two parties could not agree.

1295. Do not you think that a tribunal composed of experienced masters and the cream (if I may use the expression) of the workmen, if it were presided over by a moderator employed by the Board of Trade, would obviate a great deal of discontent among the workmen as to their condition, and would operate in such a way as would enable both parties to come to some amicable decision in all cases of dispute?—I do not think that that would be so good as to two parties settling the dispute by themselves; but, supposing they cannot settle it by themselves, I think it would be advantageous, taking for granted that it is the cream of the workpeople who are selected for their court.

1296. Viscount *Goderich*.] Supposing that both parties agree to go before the

the tribunal, would you make its decision binding upon them?—I imagine that it would be very unjust to make the decision binding with respect to any contract to be made in future, unless both parties agreed that it should be binding.

1297. Mr. *L. Gower.*] Do you think that any tribunal that is voluntarily agreed upon, without the intervention of the law, could answer the purpose which you point out when there are differences between masters and workmen, or do you think it ought to be established by law?—I think it ought to have the sanction of the law to this extent, that if two parties agreed to refer their dispute to arbitration, the award ought to be as binding as an arbitration between myself and my partner would be. It would be an absurd thing to look to an arbitration upon which the award was not to be binding.

1298. Do you not think that, as a matter of advice, it would be useful?—No, I do not.

1299. Did not you say that in your district you do not desire the establishment of such a tribunal?—I am not aware of any circumstances that have made it necessary in our district; I could not speak positively as to any other district.

1300. Have you any reason to believe that the workmen in your district desire it?—I cannot tell; it is a point that I have not asked them about.

1301. Have you any objection to the establishment of such tribunal?—I have no objection to it with the safeguard which I have mentioned; I have no objection to such a tribunal being brought in under those conditions.

1302. Mr. *B. Blakemore.*] Under the existing state of things, has not the master the entire control of his own property and his own establishment?—Yes.

1303. Has he not the power of closing his establishment and ceasing to give employment whenever he pleases?—Yes.

1304. Do you think that any man who has established a large manufactory, and has expended a large amount of capital upon it, would be willing to part with the power of regulating and controlling as he pleases, subject to the law and the customs of the country, the capital which he employs?—Certainly not.

1305. Do you think that any courts of arbitration or conciliation could be erected that could have the effect of depriving the master of that power, or would the masters submit to it?—I do not think that the idea that was brought before me this morning would have that effect. I take it that such a court would be found to do these two things; first, it would stand in the place of the magistrates or the general law of the land, in deciding whether contracts already made were or were not fulfilled; and secondly, that if both parties disputed as to the terms of a future contract, they should have the power, by mutual agreement, of getting this court to decide if the contract should be entered into. In neither of these cases do I conceive that the master would lose any part of his existing power; he is obliged at present to enforce his contract by law, and the only difference would be, that the person to whom he is to apply would be changed by this proposition. As to the second case, he would only have the power which now exists.

1306. Do you think that the consent of the masters to this proceeding would be so general throughout your district, and throughout the country at large, as in point of fact to make these courts operative?—I have very great doubts about it.

1307. What is your system of hiring service in the branch of trade in which you are engaged; have you any written contracts with your men?—None.

1308. Is there any understanding that when you have employed a man he shall require a fortnight's or month's notice, or notice for any other period, if he is discharged, and *vice versâ*?—There is a very short notice given, if there is any; if we discharged a man we should always pay him a week's wages; but I do not think it is more than that.

1309. Do not you think that a more careful system of hiring between masters and workmen would be desirable, and would prevent disputes?—It is not a question that I have much looked into; I do not think the disputes with us arise from the want of that.

1310. Sir *H. Halford.*] Are not your workmen all employed under your own roof?—The hand-combers that we have left are not so employed.

1311. Are there any workmen that you employ out of doors?—Yes.

1312. Does not your evidence chiefly apply to the relation between masters and

W. E. Forster, Esq.

8 April 1856.

and workmen in a factory?—It does; it is the state of things which I know most about.

1313. Having ready means, on the part of the workmen, of access to and communication with the masters?—Yes; but the same thing applies to the hand-combers; they do not live far away.

1314. Have they already means of communication with you as the head of the establishment?—Yes; it is rather more convenient to be under the same building; but it is not often that they live at a considerable distance.

1315. I think you spoke of the French institution as not being applicable to this country, on account of the different mode of conducting manufactures in France, as compared with England?—No, I do not think so; I imagine that you could not transfer the Conseil de Prud'hommes to England, because the main business of that Conseil de Prud'hommes is doing what the law does in England, therefore you would have to act, not only constructively, but destructively; you would have to take from the magistrate the power, at the same time that you gave it to the council.

1316. Do you consider that the Arbitration Act in England supplies the want that is met by the Conseil de Prud'hommes in France?—Not the Arbitration Act, but the common law of England. As I understand it, the Conseil de Prud'hommes decide contract questions, and almost all the present questions which have occurred between the masters and the men, that might be, and at present are decided by the common law of England.

1317. Have not the Conseil de Prud'hommes the power of arbitration in matters of dispute generally between masters and workmen?—Not so far as I have been able to make out from studying the matter; their main business was, doing what the common law here does. I do not say that they do not sometimes decide questions in dispute as to wages, but I was disappointed in looking into their working to find that there were very few cases (in fact, I could not find any cases,) in which they had decided such a dispute as that which arose at Preston.

Mr. *Sidney Smith*, called in; and Examined.

Mr. *Sidney Smith.*

1318. *Chairman.*] WHAT is your situation in life?—My profession is that of a Solicitor; but my present occupation is that of Secretary to the Liberal Registration Association of London, and of other public and political undertakings.

1319. Have you turned your attention to the subject of strikes?—I have had occasion to do so.

1320. Will you give your opinion upon that subject to the Committee?—In so far as relates to this question of Courts of Conciliation, I have particularly turned my attention to it, and I confess that I do not see how it is at all practicable; I do not see how it could be carried out, even if it were desirable.

1321. Will you state your reasons for that opinion?—Supposing there is a question between Messrs. Maudslay & Field, the engineers, and their workmen (they have, I think, about 1,200 hands just now), and suppose that the question relates to the working overtime, and that the proposed tribunal is applied to by the masters and the men, as I understand by the subject of this inquiry they are to be compelled to abide by the decision which that particular tribunal comes to.

1322. Are you aware that it is to be a tribunal elected by themselves?—Yes; but they are compelled to abide by its decision. Suppose that that tribunal decides that there shall be no working overtime, that would apply only to Messrs. Maudslay & Field's factory, while all the other masters and men perhaps have no disagreement upon the subject. By working overtime, the establishments not subject to the decision of the proposed tribunal would get a great advantage over Messrs. Maudslay, who are compelled by this authoritative tribunal not to compete in the market on equal terms with the other engineers. I cannot see how it is practicable. Any decision which may be come to between masters and men, will in no case be a decision between the whole community of masters and the whole community of men; it will only be between those who have a dispute together.

1323. In that case there will be no strike; that is only a dispute with particular individuals?—There may be a strike in a particular factory, as we find to be frequently the case.

1324. Do you mean to say that the same rule will not hold for all different trades?—The same rule will not hold for all the different masters and workmen in the same trade. When one establishment is compelled to observe the decision that is come to by that tribunal, while the others are left free to observe it or not as they please, there being in their case no difference between masters and men with reference to that question, the party who is bound hand and foot by this decision will not be in the same position in the market as the others; I do not see, therefore, how this plan can consist with justice.

1325. Mr. *B. Blakemore.*] Your meaning is, that the decision of a tribunal of this kind interfering in an individual strike between a particular master and his particular workmen, would not apply to all the masters and all the workmen employed in that trade; and that, therefore, either the individual objector to the decision of this tribunal would lie under a disadvantage, or he would gain an advantage over other persons engaged in the same trade?—Yes.

1326. Mr. *L. Gower.*] Would your objection apply, supposing the appeal to this proposed tribunal were voluntary?—It would, if its decision were compulsory.

1327. If the master and the men voluntarily agreed to appeal to this tribunal, do you think that the objection would still remain?—I think so, for the reason which I have stated.

1328. Would not the decisions of this tribunal be guided by the state of feeling in the trade?—That altogether depends upon what tribunal it is, and whether it has a certain knowledge of the principles of political economy, and is well acquainted with the trade, and so on, and such a tribunal would, I should think, be exceedingly difficult to get.

1329. You do not think that any tribunal could be established with advantage which would justify confidence upon that ground?—If the decision of that tribunal were compulsory upon the parties who appealed to it, I think it would place either the masters or the men who had made the appeal at such an advantage or disadvantage in comparison with other masters or other workmen that I cannot see how it would work.

1330. Lord *J. Manners.*] Are you acquainted with the principles and provisions of the existing Arbitration Act?—No, I am not.

1331. If you were informed that there is an Act already in existence which permits two parties mutually consenting to refer cases of dispute of this nature to a magistrate, and makes his award compulsory and final, would not your objection apply to such an Act just as much as to the proposed tribunal?—It would, unless the decision were made compulsory upon the whole of the persons engaged in the same trade.

1332. Therefore we may take your objection as valid in your own mind against the existing law, as well as against any proposed alterations of it?—Yes.

1333. Mr. *B. Blakemore.*] Were you aware of the existence of the Arbitration Act?—I was not; I never heard any master mention it.

1334. You were not aware that it operates widely in cases of this sort?—I do not believe that it operates at all; I have had considerable experience in matters of this kind.

1335. Sir *H. Halford.*] Will not your remarks apply to any exposition of the law under any circumstances?—No; take, for example, the case of the Ten Hours Bill; there a Bill was introduced which all masters and all men were compelled to observe; that was a universal decision, and it was compulsory upon all; no person was placed in a different situation from another in the working of his business; but by what is proposed, as I understand, in this case, you can only decide between the two parties who seek your arbitration, and if you make the decision compulsory, you render it impossible for them to work in the same way as other persons engaged in the same trade.

1336. Does not your objection apply solely to the case of a judgment pronounced arbitrarily on the part of those courts?—It scarcely matters what the judgment is if it is compulsory in any way upon a man working his own mill and his own factory, not being compulsory upon others in the same trade.

1337. Supposing that judgment were solely to require a conformity with the law, would your objection still apply?—Then the law itself would enforce itself; if the law is in existence already, it may compel its own observance.

1338. May there not be a difficulty in some cases in procuring a conformity with the law?—There will be no greater ease in compelling a conformity with

Mr. *Sidney Smith.* the law by means of any system of arbitration than by the present machinery of jurisprudence.

8 April 1856.

1339. Is it not possible that a tribunal of ready access would afford facility for enforcing the law that does not already exist?—I cannot conceive of any case of strikes where the object would be to enforce the law or to defy the law; they are merely questions of disputes between masters and workmen as to the conditions upon which they shall mutually carry on their operations; the repeal of the combination law has done away with the operation of the law in these cases.

1340. May not disputes arise about work which might be settled by these courts if both parties agree?—I can scarcely conceive of such.

1341. Mr. *P. Urquhart.*] Might not a court of easy access decide whether any case was a violation of the law or not?—A court of easy access is, of course, desirable; if the court which is already in existence to enforce such a particular contract is not of ready access, that is a matter for general legislation.

1342. Sir *H. Halford.*] Suppose, when a workman takes in his work, the master refuses to pay the wages, upon the plea of the imperfect execution of the work, under the present circumstances might not the workman have great difficulty in obtaining justice?—I can conceive that in such a case some tribunal of a more simple kind than exists at present might be useful as to questions of contract; in all questions of contract between masters and men, I should think a tribunal such as you mention not at all objectionable where the object is merely to enforce the law.

1343. Mr. *P. Urquhart.*] Do you think a tribunal of that nature might also be competent to decide sanitary questions, whether such a method of working was injurious to the health of the workmen, or whether they had cause to complain about overwork or overtime?—That would be a very difficult thing to interfere with by legislation in detail, such as this would be, because the dispute would always relate to a complaint in one particular factory, and the question would be, whether it was better ventilated than another factory of the same kind; and I should think it very doubtful, indeed, whether the policy of a tribunal of that description would succeed; it would interfere with the free working of trade.

1344. Might it not inquire whether any particular factory were so ventilated as to be injurious to the health of the workmen or not?—That, perhaps, might be done; I should think that a fair object for such a tribunal.

1345. Might not the question, whether a piece of work done by task were properly executed or not, be decided by this tribunal?—Yes, I think it might.

1346. Mr. *B. Blakemore.*] Are those cases so general as to render the appointment of such courts necessary?—I do not think it necessary.

1347. Would it be safe for such courts to consider as to whether the employment in a particular trade were injurious to the health of the people employed?—I cannot think it at all desirable for three or four gentlemen to do that, which is considered to require 658 men elected out of the whole empire.

1348. For instance, in a needle factory, are not the scintillas and sparks which fly off from the points of the needles injurious to the sight of those employed in them?—Yes.

1349. Would it be safe by any means, except the voluntary act of the workmen so employed, and the voluntary act of those employing them, to interfere between the employer and employed in such a case at that?—I should scarcely think that that is a subject for a court of law.

1350. At the same time, would it be safe for a court to decide between the employers and the persons employed, whether that were injurious to the health of the workpeople, or not?—I believe not.

1351. Mr. *L. Gower.*] Is not the rate of wages in any particular trade dependent upon the healthiness or unhealthiness of the employment?—In some cases, but not always; I have known very low wages given for very unhealthy employment.

1352. Mr. *Lowe.*] Supposing that a court of arbitration were to decide that a mill were ill ventilated, what remedy should you propose?—I have not considered that question.

1353. Would you give power to compel the manufacturer to have the mill well ventilated?—No; I am not at all prepared to say that.

1354. Do you see your way to enforcing the judgment of the court in that case?—No, I do not.

1355. Sir *H. Halford.*] Have not the inspectors of factories powers somewhat analogous to that which has just been referred to?—Yes; they have a power of that kind now by going before the court, so far as the fencing of machinery is concerned; but then there is an Act of Parliament under which they act; it is not discretionary.

1356. Mr. *B. Blakemore.*] Are you not secretary to the Engineers' Association in London?—I was; they called me to organise them, with reference to an important strike.

1357. Is your association in correspondence with other engineers' associations in any other parts of the empire?—It was.

1358. Before any decision took place between the workmen and the masters, in any part of the country, was reference made to the society in London?—The society in London acted by itself, occasionally corresponding with a similar society in Manchester, and they generally concurred with our method of dealing with the matter.

1359. Does your society exist now?—This association with which I am connected is still, nominally, in existence; but its functions have nearly ceased.

1360. Mr. *A. Pellatt.*] Was not that strike of very long duration?—Yes.

1361. Have you at all investigated the causes of that strike, and how do you think they could be remedied?—With regard to that strike, I cannot imagine that any tribunal could have done any good. So far as my impression goes (I should not like to speak harshly of the method in which it was conducted), I think the objects of the strikes were not fair trades' objects at all. They were for the purpose of carrying out some extraordinary notions of political economy which were ill-founded, and the demands that were made had not for their object that which they ostensibly bore. The strike was for the purpose of forcing up wages by improper and illegitimate means; for instance, one of their demands was, that no labourer should be employed in the factories for work which a labourer was quite competent to do, and that all labourers who were then employed should be instantly dismissed; another was, that the number of apprentices should be restricted so as to bear a certain proportion to the number of journeymen; another of their demands was the abolition of overtime, except in cases of break down. They demanded that it should be positively abolished. Whatever might be the desire of individual workmen, it was to be authoritatively decided in every factory that no overtime was to be tolerated, their idea being that a man working ten hours when he only ought to work five hours, causes the displacing of another man who would have the employment of the other five hours; forgetting altogether that by thus working overtime occasionally, you do not crowd the labour market unnecessarily when the slack time comes; another of their demands was, "when overtime is absolutely necessary it is to be paid for at double rates." Then there was "the abolition of the system of piecework," and "the unconditional discharge of all labourers, or such class of persons at present engaged in working planing machines, or tools of similar character, and the employment in their stead of mechanics, members of the union," members of the Amalgamated Society of Operative Engineers. Another communication from the Executive Council of the said amalgamated society, notified to the employers of the Metropolis that they had come to a resolution to abolish the practices of piecework and overtime; then there was a great number of persons who were not at all connected with them. These were the general demands that were made by the Amalgamated Society of Operative Engineers, and which were resisted by the masters, and they called upon these men to retract these demands, and when they did not retract them they found it necessary to close their concerns.

1362. How long did the amalgamated society exist before they came to the specific determinations of which you have given the Committee an account?—I do not know the exact number of years that it has existed. It was made up of a number of societies which had existed before, and which were at last amalgamated into one society, to give them greater strength, and to enable them to wield their power with greater consentaneity.

1363. Up to that time had there been any association of masters?—No, and even at last there was found the greatest difficulty possible in keeping the

Mr. *Sidney Smith.*

8 April 1856.

masters in a state of union; indeed comparatively few did co-operate thoroughly and faithfully.

1364. How soon was it after the events just related, when the masters formed themselves into an association?—They formed themselves into an association when these demands were made by the Amalgamated Society of Engineers. There had been previously strikes at Manchester on the same grounds, and then they made this announcement to the engineers in London; then the masters required that the men should retract these demands, and when they did not do so they said, "We have no other remedy but to close our concerns."

1365. Were there no exertions made on the part of the masters through yourself to endeavour to come to reasonable terms with the working men?—There were none, except by asking them to retract these demands; they had made these demands, and I think that most gentlemen will agree that every one of them was utterly untenable, and utterly destructive of the working of the trade.

1366. Did the masters at once repel what they considered to be an aggression upon their rights, but without any determination on their part to see how the thing could be settled?—They had not the least expectation that any attempt of that kind would be successful.

1367. In such circumstances, had there been a Court of Conciliation, consisting of three or four workmen appointed by themselves, and three or four employers, of course nominated by the parties interested, and a judge of a county court, or any gentleman acquainted with the law of England, and perfectly disinterested as umpire, do not you think that such a medium might have been effective in preventing this aggression?—That depends upon whether the decision of such a tribunal were made compulsory or not.

1368. Supposing that either the workmen or the masters might be the first parties to demand an arbitration, but that when demanded it were to be compulsory upon both parties, do you think that it would have prevented this aggression?—For the reason that I have stated to nearly the first question that was put me, I cannot conceive that it would be practicable to establish such a court; for in this case a number of the masters utterly refused to join in the association of the masters; their men refused to turn out upon this occasion, and their workmen and themselves were perfectly agreed. But if this tribunal to which you refer had come to a decision, for example, adverse to the masters in all these cases respecting overtime, the payment of double rates, the abolition of piecework, and the dismissal of all labourers who were perfectly competent to the business, the other masters who did not belong to this association, and the other men who did not belong to the Amalgamated Society of Engineers, and who were working in harmony upon different conditions altogether, would have either been placed by this decision at a disadvantage, or would have gained an advantage by it.

1369. Is not the principle upon which you have given your decision against these tribunals of conciliation that there should be an uniformity of grievance throughout all the shops?—Take, for example, the case of overtime: suppose that two engineers had disputes with their men with regard to overtime, and that all the rest were working overtime, and that there were no quarrel between the masters and the men in these other cases; and suppose that these two masters and their men come before this tribunal, and that the tribunal decides authoritatively that the men shall not work overtime in the case of engineers, where they are bound by the heaviest penalties to finish their work within a certain time, neither masters nor men who had subjected themselves to that decision would be able to compete at all against those who had not; and these other masters would be at a great advantage in consequence of this decision, which is only binding upon those who refer to the court.

1370. *Chairman.*] Would not your reply contain an objection to any equitable arrangement whatever?—It would to any arrangement that interfered with the internal management of an employer's establishment, and that was not of universal application.

1371. Lord *J. Manners.*] You have already stated that you were not acquainted with the provisions of the existing Arbitration Act; are you acquainted with the arbitration clauses of the Factory Act?—No.

1372. Are

1372. Are you aware that the great body of manufacturers in Lancashire are now asking for the substitution of arbitration clauses for certain other provisions in this Factory Act?—No, I was not aware of that.

1373. Would not the objection that you made just now apply to the settling of any case under the arbitration clauses of the Factory Act as much as it would to the proposed tribunal?—I do not know these clauses, and cannot therefore venture an opinion.

1374. Mr. *Wise.*] You stated that you were not aware until yesterday that there were any Arbitration Acts relative to the general manufactures of the country or of the Factory Act; will you allow me to ask what personal experience you have had of the internal organisation of factories, as between masters and men?—The only experience I have had is with relation to the Engineers' Association.

1375. Can you tell me whether in that case the engineers objected to the system of piecework, or only to the mode in which the system was usually carried on?—They absolutely demanded the abolition of piecework.

1376. Was not piecework beneficial to the skilful and experienced workman?—Of course it was, and that was the objection which they made.

1377. From what cause did that feeling spring up between the employer and the employed?—Because the employed were misled by certain persons whom they consulted upon some Utopian schemes of co-operative societies, and also upon the right of workmen to dictate to their masters the operations that they were to perform in their shops and factories; that really, as far as I can trace it, was the origin of that strike.

1378. Was it not entirely connected with the working from 10 to 15 hours a day, and what was called "overtime"?—To a considerable extent it was, but I found that the very persons who were the most active in denouncing overtime were the persons who had earned the greatest amount of money in it, and they were the most anxious for it.

1379. Do not you think that from 10 to 15 hours a day is long enough for any man to work?—I should certainly say so, but workmen are the best judges of their own powers in that way, and they were ready to have the overtime themselves, and indeed anxious for it; some of the persons who were most prominently engaged in that strike on the part of the workmen in objecting to the overtime, were really the persons who made the most of it, and who whilst they were in the factories were the most anxious to get it.

1380. Do you think that, with such an amount of labour as I have alluded to, a man can do justice to his employer?—In the engineering business, if the man does not do justice to his employer, it would be an immense loss to his employer; but I think that we always found that those who worked overtime were the best workmen.

1381. It was stated by Mr. Molesworth, that among the engineers none but the idle and dissolute wished for the abolition of systematic overtime and piecework; would you agree with that opinion?—No, I certainly would not; I have far too great a respect for the workmen, especially the engineers, to say that. The workmen are men of great skill and great respectability. I scarcely know any case in which I can imagine that the objection to overtime was in consequence of their feeling themselves overworked; they rather objected to overtime because it enabled one man to do the work of one man and a half, and although it put no more money into the pocket of the master, it was supposed that it made the supply of skilled labour redundant, and by that means kept wages down; and they thought that if overtime was stopped, a greater demand must necessarily be made for workmen, and wages would be artificially forced up.

1382. With reference to this strike of the engineers, are you not aware that the engineers, before they struck in 1852, offered to submit their case to arbitration, and that they were willing to submit to any award that was made by the arbitrator?—I am not aware of that.

1383. Are not you aware that they submitted their dispute to Lord Shaftesbury, the Earl of Carlisle, Lord Robert Grosvenor, and a member of this Committee, Mr. Kinnaird?—I think that was afterwards.

1384. After the strike, did not the engineers endeavour to determine the dispute by referring it to Lords Cranworth and Ashburton?—I know that Lord Cranworth was called in at some period or other of the dispute, but it is so long

Mr. *Sidney Smith.*

8 April 1856.

since that I do not very well recollect the circumstances. I think he decided altogether against the workmen, but they did not at all act upon his decision.

1385. Did not Lord Cranworth decide upon a misconception of the case?—No, I think not.

1386. Upon the whole, after the evidence which has been given, do not you think that the operatives in this case proved by their conduct a desire to have a friendly settlement of the dispute?—I do not think so.

1387. Did not they prove it by referring to these arbitrations?—I do not think that the settlement of the dispute was their object or their intention. I must say, that after seeing the machinery which they set in motion for the purpose of persecuting everybody who did not fall in with their views, I cannot think that they were very sincere in their professions; they appointed spies and pickets for watching every person who came to get honest employment from the masters; and they marked them out, and hooted and hissed them, and frequently followed them into beershops, and knocked them down; we have cases of that kind on record.

1388. *Chairman.*] Was there not in fact an unpleasant feeling between masters and operatives, which equitable councils of conciliation would prevent?—I submit that that is not a legitimate way on the part of the men of interfering with labour, by setting spies upon the factories.

1389. Mr. *B. Blakemore.*] How long were you secretary of the association to which you have referred?—The whole time that it lasted; I am secretary now.

1390. Does your experience show you that in particular branches of manufacture the interests of particular masters are very various?—We certainly found it to be so in this case.

1391. In the engineering department are there not very large employers of labour and small employers of labour, some giving employment to large populations, and others giving employment to comparatively few workmen?—Yes; we had masters who employed only two hands, and masters who employed 1,200.

1392. Do you think it would be practicable to form courts of voluntary arbitration which would be satisfactory to the large employer, equally with the small employer?—That would depend upon whether the decisions of these courts were to be compulsory or not.

1393. Assuming that they should be compulsory in any particular dispute that might arise between the master and his workmen, do you think that it would be practicable to form courts in whose decisions the large manufacturers and the small manufacturers could have equal confidence?—I do not think so.

1394. Supposing a court established in a particular district, upon application by a certain number of masters and workmen, would it be reasonable to expect that all the masters engaged in a particular trade in that district, and all the workmen engaged in a particular trade in that district, should be bound by the decisions of this court, except in particular cases?—I should think that a very dangerous interference with trade.

1395. Do you foresee that that will be in the outset a difficulty in the way of the establishment of these courts?—I do; I cannot see how it could work.

1396. Do you think that they would be of so universal application as to make it worth while for the Legislature to authorise the establishment of them?—I do not think that they would.

1397. At present the master has the control over his capital and the means of using it, and the workman has the control over his labour; do you think it would be practicable to institute any tribunal that shall decide how the master shall employ his capital, and where and how the workman shall employ his labour?—I do not think so.

1398. Would the interposition of these courts interfere with the expenditure of capital in the various trades of the country?—Very greatly.

1399. Do masters like any interference from third parties, except the interference of the law between themselves and their workmen?—No, certainly not.

1400. Does the workman like the interference of a third party between himself and his master, except the interference of the law?—I cannot answer that question.

1401. From your experience, do you think that a greater desire exists on the part

part of the capitalist (the employer), or on the part of the labourer (the employed) for the establishment of some such courts as these?—I should imagine that the desire is greater on the part of the labourer than on the part of the master, for from all that I see of the state of employment in this country just now, I do not think that any decision of such courts that would bind the operatives would be respected, as the supply of labour is getting much more scarce.

1402. Such courts have been established, and have been in operation in Sunderland; was there not there a Court of Arbitration in existence?—There was in regard to the shipwrights; but the masters there are the entire slaves of their men, as they always have been in regard to building ships.

1403. Has it not so operated as to prevent strikes very generally?—Some time while there was a monopoly in the shipping.

1404. Is that court in existence now?—I do not know.

1405. Mr. *A. Pellatt*] How did that strike among the engineers terminate?—It terminated by the entire failure of the amalgamated engineers to carry out their demands; I must say they were exceedingly true to one another, much more true than the masters were to each other; for although Adam Smith expresses the opinion that the masters have much greater power in a strike than the men, my experience is entirely the other way; the masters with an enormous fixed capital, which must have employment, or else there is an immense loss of interest, are the most difficult of all classes, especially if they have a large capital, to get to agree in any common plan; the men on this occasion suffered starvation, and their furniture and everything else was taken away before they gave in, but at last they had no remedy.

1406. Is there still in existence an amalgamated society among the workmen?—There is still that society, and I have calls again and again from members of it, complaining loudly of the gross mismanagement of it; I was told that there is a proposal (of course I can only give my authority) to appropriate the sum of 5,000 *l.* of their benefit fund to the establishment of a co-operative factory; it is entirely a misappropriation of the original fund; but the society is not registered, and I believe no person is responsible for any misappropriations which may take place.

1407. Is the society of masters in existence still?—The society of masters is entirely nominal; it does nothing except that it encourages a benefit society.

1408. Sir *H. Halford.*] Do I rightly understand you to say that the masters cannot combine as against the workmen, because they are under the influence of competition among themselves?—Yes, to so great an extent that we found practically that we could not get them to combine to any effective extent.

1409. Is the competition among the masters always beneficial to the workmen?—I should say it is; by selling cheap it must have the effect of producing a greater demand for the article, and therefore for the labour in producing the article.

1410. Are not the masters, in endeavouring to undersell one another, led to reduce the wages as much as possible?—If they have that object it is contrary to the principles of political economy that they should succeed, because the lower they sell the greater the demand for the article that they make, and consequently the more the need of hands will be.

1411. Will not their first object be, by reducing the price of wages, to reduce the price of the article?—Some persons might have that object, but I think they must find other departments in which they must save, rather than the reduction of wages.

1412. Mr. *P. Urquhart.*] Would not the object defeat itself, because the more the demand the more the master would be at the mercy of the men?—Of course, and it is the whole object of the demands of the men to diminish the supply of labour; their object in demanding that the overtime shall be stopped, is to compel the masters to give more for the work.

1413. *Chairman.*] There seems to be some contradiction in your evidence; you stated just now that the workmen were so exceedingly obstinate that they will not come to reason, and yet you admitted that they suffer more than the masters; is not it a contradiction to say that the set of men should hold out the most who suffered the most?—I stated that my idea was that the men were more generally willing to arbitrate than the masters; I should rather, in place of calling it obstinacy, call it fidelity and loyalty to each other; after having once agreed that they would hold out for certain terms, they did not give in until they

Mr. *Sidney Smith.*

3 April 1856.

were entirely starved; I do not think the masters would hold out until they were ruined.

1414. Mr. *P. Urquhart.*] Although the men suffer greater physical privations than the masters, are not the masters, on the other hand, often ruined if they hold out?—They have suffered very much; I know several who held out as long as they could; they could not hold out any longer.

1415. Mr. *B. Blakemore.*] Whatever may be the relative sufferings of the masters and the workmen, is it not practically found far more easy for 10,000 or 100,000 workmen to combine together for a particular object than it is for 10 or 100 masters to combine?—That is certainly my experience; indeed, it is my experience that they persecute the men who do not fall into their views, and that day overlookers and foremen have been drawn into the society on advantageous terms for the express purpose; their general endeavour seems to be to get the foremen and overlookers into these societies, and by that means, as these have the right of employing those persons whom they please, they generally have the power of insisting, as a condition of their agreeing to engage them, upon their conformity with the demands they make on the masters.

1416. Mr. *Wise.*] You have stated, if I understand you correctly, that you are of opinion that an antagonistic spirit exists unfortunately between the employers of labour and the employed, and that in your opinion strikes are caused by that circumstance; what do you consider to be the best mode of preventing the prospect of strikes, and securing a greater confidence between the two parties?—If I may be allowed to say so, I do not expect that strikes will be common in future; the men have suffered to such a great extent and have seen the entire failure of all their attempts to carry out their views so completely, that I have observed that they now turn their attention to other means of compassing their objects. I think strikes are at an end practically, and I think they are not likely to occur to any great extent in future. It was in my mind to say that we had experience during the course of this strike that the press has considerable power with both parties; indeed, I am not at all prepared to doubt that, if some sort of decision, such as that which was come to by Lord Cranworth, for instance, which was simply an expression of opinion after reasoning the case with the men, that simple statement would be very likely to have an effect on both parties in the way of conciliation, though not in the way of compulsion at all. I believe that if the statement were made to the men, "You are in the wrong, you have demanded what is wrong on this subject; you are clearly in the wrong, and you ought not to hold out any longer," by some officer of a high legal position, or in some other high position, it would have a great effect in putting an end to strikes.

1417. Does not that approach very much to an arbitration?—It approaches to it in some degree; but if you have not masters and men arbitrating, but some neutral and independent body, I should not think that the evil would be so great.

1418. Assuming that an enabling Act were passed, permitting any district to accept or reject a certain Act of Parliament, whereby the masters shall elect from the masters, and the operatives shall elect from the operatives, as jurymen, and that the Board of Trade shall nominate a moderator or president, in the shape of a councillor of conciliation, which councillor shall, at the appeal of either party, assemble a jury to make an award, and settle the matter by referring it to that tribunal; do you think that a tribunal of that sort would be acceptable to the masters and the operatives?—If a high officer of State were to be the arbitrator, and if he were nominated by the Board of Trade, I think it would have such an effect upon the press and upon public opinion, that the party who held out against his decision would very soon have to give in; that is the experience that I have with regard to this matter; we have found that the "Times" had very great power in making parties hold out or give in.

1419. Mr. *Lowe.*] Could not that be done without any Act of Parliament at all, by the consent of the parties?—Yes; but the parties would not perhaps consent.

1420. You would not give his decision any effect beyond the expression of an opinion?—No, I would not; but I have found that the effect of that is very strong in this country.

1421. Would you give that tribunal the power of delivering its opinion without the parties desiring it?—I think that would be the best way.

1422. Supposing one party desired it and the other did not, and that one party

party appeared and argued the case, and the other party did not appear, would their decision in that case have a great effect?—I should say, that if either of the parties had a right to appear and did not choose to come, it would have an effect.

1423. Upon what subjects do you think it would be effective?—Upon the subjects of overtime and upon piecework; the demands that labourers should be dismissed from skilled employment, although they are competent to do it, and other similar questions.

1424. Do you think that in a matter of mutual contracts to be entered into between masters and men, people would manage their business in accordance with what this tribunal might decide?—I think that the decisions of such tribunal would represent, in a sort of judicial form, the verdict of public opinion; and by withdrawing the support of public opinion from the party thereby found to be in the wrong, would practically assert and influence upon the future conduct to the parties that dispute.

1425. Have you not also said that, with reference to past contracts, arbitration might be a very good thing?—Yes.

1426. If a man enters into a contract to make a piece of work, and a question arises as to the quality of the work, might not that well be arbitrated?—Yes.

1427. With reference to future contracts, do you think that such a tribunal should have the power of giving an opinion as to what contracts should be made between the masters and men?—No, I do not, if by "such tribunal" you mean a court of masters and men.

1428. Have you not just said that, in your opinion, the question, whether piecework and overtime should be allowed or not, might be referred to this tribunal?—Those are not questions of contract.

1429. If I enter into an agreement with a man that he shall work by piecework with me, is not that a contract; and if this tribunal says that he is not to work overtime, is not that a decision as to the contract which am to enter into?—Certainly.

1430. Is not it absolutely necessary for the affairs of this country that every man should have a power over his own interest?—Certainly.

1431. Will not such a tribunal as has been referred to take away that power?—Certainly, if its decisions are to be enforced by the magistrate.

1432. Under particular circumstances some particular thing may be shown to be desirable for a short time; those circumstances change in a week; what security have we that people will abide by the award, or ought they to abide by it?—Certainly not.

1433. What is the good of such an award as that?—I do not see any good in such an award as that; these strikes do not bear reference to contracts at all; they are generally for wages.

1434. Are not the strikes with regard to what contracts people shall enter into for the remuneration of their labour?—They are, certainly.

1435. If I contract with a man that he shall work 10 hours or 12 hours a day, is not that a matter for us to settle between ourselves, without the intervention of any third party?—I think so.

1436. What is your view then of the use of compulsory arbitration?—I think arbitration by compulsion is out of the question.

1437. Is not this tribunal to be established by Act of Parliament, and might not either party put it in force without the consent of both parties?—Yes; what I stated was this, that I did not think that with reference to contracts between the parties, arbitration was of any use as a general rule; there are some few cases, for example, if a dispute arises as to whether a man has performed a contract rightly, where I think it might be exceedingly useful if made by a tribunal of masters and men, who were able to judge as to whether the contract were fulfilled or not, whether the man has given his measurements in a workmanlike manner, and whether a model is spoiled in casting, and whether the man is not entitled to be paid for it; but arbitration as to contracts between masters and men is a totally different thing from the question of arbitration as to modes of working; for example, as to whether there should be piecework, overtime, and so on.

1438. What you have been recommending are past contracts, and the others are future contracts, and I understand you to say as to past contracts you see the good of arbitration, not as to future?—I think that compulory arbitration, so far

Mr. *Sidney Smith.*

8 April 1856.

far as I can understand it, applies in reference to strikes, which is not a matter of contract at all.

1439. Do not strikes generally arise out of some question of contract?—Not in the least; there is not the least necessity for a strike upon a question of contract; if a man makes a contract, you take him before the magistrate.

1440. Is not a strike generally the effort of one party or the other to say what contracts are to be made hereafter in the trade?—Yes.

1441. Is not the purport of your evidence this, that you think that arbitration is very useful as to questions arising out of contracts already entered into, but not as to what contracts shall be entered into?—Quite so.

1442. Sir *H. Halford.*] Is there always a contract between the masters and workmen; are they not sometimes governed by the custom of the trade?—Yes, that is an implied contract.

1443. Might it not be useful that there should be some means, in case of a dispute, of ascertaining the custom of the trade?—Yes; I think that in all questions as to the interpretation of contracts existing, a tribunal of masters and men may be exceedingly useful; but as to questions of strikes and quarrels between masters and men as to the contracts that shall be entered into in future, for example, as to whether there shall be overtime, piecework, or the employment of apprentices, or of unskilled labourers for skilled work, I think that is a thing in which a court of arbitration will entirely fail; indeed, it must necessarily do so; because, suppose the tribunal decides to-morrow that certain persons are to act in a particular way, all they have to say is, "Our contract is at an end at the end of the week; we pay you weekly wages, and, therefore, we have done with you;" all that either masters or men, after the decision is come to, have to say is, "I will work a week for you," or "I will allow you to remain in my service for a week."

1444. Lord *J. Manners.*] If I understand rightly, the whole sum of your evidence is, that, with respect to past contracts, you think that a Board of arbitration would be beneficial?—I think so.

1445. With regard to what we may call the customs of the trade, you think it may usefully determine what the custom of trade is, but that arbitration ought not to be binding?—I think that it would not be practicable to make it determine what it ought to be.

1446. And you think that the expression of opinion upon such questions as overtime might have a beneficial effect?—Yes, an expression of opinion by some eminent officer, whose decision the public, and especially the press, I should expect to exert an authoritative influence upon the masters and the men.

1447. You think that, with respect to past contracts, the decisions of this Board of arbitration would be beneficial?—No, that would best come under the cognizance of the court of masters and men.

1448. And you think that, with respect to future cases as to disputes between masters and men, the expression of opinion from these Boards of conciliation would have a beneficial effect?—I think it would have a beneficial effect; often both parties appeal to the press, and if any neutral person of great eminence expresses an opinion which indicates on the face of it impartiality, ability and intelligence in itself, it so completely puts the other party in the wrong that they are not supported by the press, and the moment they are not supported by the press they sink. Had the men been supported by the press upon this occasion as being in the right, I have no doubt they would have succeeded; they would have held out longer, and would have succeeded, by getting extensive aid from other trades and the public.

1449. Mr. *Lowe.*] Did they not hold out for 36 weeks, although the press was against them?—Yes; there was no authority appealed to, until Lord Cranworth came in at the end of the day, and certainly finished that.

1450. Viscount *Goderich.*] Have you ever been engaged in any trade or manufacture whatever?—I have not.

1451. Were you at all engaged in the engineering business, or acquainted with it before you were employed by the masters in the strike you have mentioned?—I was not.

1452. Mr. *Lowe.*] Do you think the majority of any trade should have the power of binding the minority either of masters or men?—Certainly not; I do not think it is practicable.

1453. Mr. *L. Gower.*] Were not you employed by the masters as their solicitor?

citor?—I was employed to organise them; they were entirely at sea as to the means of meeting the combination of the workmen, and they came to me as an individual accustomed to matters of this kind, to ask my assistance, to organise them, in point of fact. Mr. *Sidney Smith.* 8 April 1856.

1454. Have you been engaged in other cases of strikes in organising the masters?—No, but I have been engaged in other public and social questions, in which organisation is desirable.

1455. Were you their paid agent?—I was.

1456. Can you put in the paper which you referred to in reference to the demands of the Amalgamated Society of Engineers?—No, I cannot at present.

1457. *Chairman.*] Will you hand in a copy of them?—I will.

1458. Mr. *Cobbett.*] Did not you say, that the strike of the engineers was very great?—Yes.

1459. It comprised a large number of the principal engine-makers, did not it?—Yes.

1460. Was it a strike in the first instance on the part of the men who went out of their shops, or was it a "lock-out," as it is called?—It was rather a lock-out; first there was an intimation given by the men that they would no longer work in a particular way, and then the masters said, "We take this as an intimation by you that you mean to strike unless these demands are complied with, and we say that unless you meet these terms we will lock you out."

1461. Thereupon I suppose they were locked out?—Thereupon they were locked out.

1462. Did that take place under your advice?—No, they had all agreed to that before I was called in.

1463. Did not you say, that there was some difficulty in getting the masters to agree to anything?—Yes.

1464. You called them together?—Yes.

1465. Was it by your advice that the lock-out took place, or not?—I understood that the masters had already resolved upon lock-out.

1466. They had organised themselves sufficiently to come to a resolution to lock-out without your advice?—Yes.

1467. Did not you say, that the best men, and those who were working the overtime, and gained the most by it, were the very men who were most strenuous against the overtime?—Yes.

1468. Did not you say, that they were persuaded to oppose it by theorists?—Yes, they were.

1469. Who were these theorists; were they united into a body?—No, there was a Mr. Newton, who went among them and propagated certain doctrines.

1470. Was he a working man?—He had been a working man, but he had taken up a public-house, to which the engineers resorted.

1471. Do you attribute to Mr. Newton, and such men as Mr. Newton, the persuading these good workers to fly counter to their own interests by insisting upon the abolition of overtime, although they were obtaining so much by it?—I think he tried to convince them that ultimately it would be for their interest, and that, in point of fact, by only working for a fewer number of hours, there would be a demand for such an increased supply of labourers, that their wages would be forced up; in point of fact, without working overhours they would get as much as if they did.

1472. Was it owing to that persuasion that this intimation was given to the masters?—Yes.

1473. Before that time, was there not an offer made to the masters by the men to go to arbitration upon the question?—No, there was not.

1474. Will you pledge yourself that there was no such offer made?—To the best of my recollection there was no such offer; on the contrary, there was rather an insolent summons sent to the masters; they were served with an intimation of what those persons intended to do; they said, that they had come to a resolution to abolish the practices of piecework and overtime; they stated that by that means they could rule the destinies of their trade.

1475. How long after the date of that paper was it that the lock-out took place?—That paper was dated the 31st of December; I think the lock-out was on the 10th of January; it was about ten days afterwards.

1476. Was there no offer of arbitration made by the men before the lock-out took place?—No.

Mr. *Sidney Smith.*

8 April 1856.

1477. Can you state from your recollection when it was that the first offer of arbitration was made?—I cannot

1478. Was any offer made by the masters?—None; indeed, the masters would have been mad to offer arbitration upon those questions.

1479. Did I rightly understand you to say that some decision, such as that which was given by Lord Cranworth in this case, would sway the public mind in such a way, on whatever side it happened to go, that it would stop the party against whom it was given?—It would deprive them of the support of public opinion, which I have found a very important element in the question.

1480. Was not the application to Lord Cranworth to arbitrate declined by him, in the very letter which you call his decision?—To the best of my recollection, there was rather a disposition to refer it to Lord Cranworth, or to refer it to any one.

1481. Was there not an application made to Lord Cranworth to be a mediator in this case?—I think there was, but you will learn that better from persons on the other side.

1482. Have you Lord Cranworth's letter with you?—I have not it here; I dare say I have it among my papers.

1483. Did not Lord Cranworth decline to arbitrate in this case?—There never was a reference to him.

1484. Did not he decline to mediate?—I do not know.

1485. Did I rightly understand you to say, that in Sunderland the masters had adopted something in the nature of a court such as is talked of in this Committee, and that it caused the masters to become the slaves of the men?—It is not the court that has caused that; it is the nature of the trade; the masters have all along sunk under the men.

1486. Is the trade gone?—No; I said the men were completely masters of the masters in the ship-building trade.

1487. Mr. *Wise.*] You have stated just now that Mr. Newton and some other theorists, in 1852, rather promoted this strike or lock-out; are you not aware that these questions of overtime and piecework were initiated by the body of delegates which met at Birmingham in 1850, two years before the strike, and which represented the engineers from all parts of the country, who passed resolutions in 1850 in favour of the discontinuance of systematic overtime and piecework?—I am not aware of that.

1488. Mr. *P. Urquhart.*] You said just now that a great many of the men who were gaining a great deal by working overtime, joined in the resistance against it; were those men intimidated?—My idea is that they had the impression, that by joining in this movement, if it succeeded, they would force up their wages and those of the other workmen.

1489. Do you think that it was not from intimidation that they joined in this movement?—Not in the case of those persons; those persons were active and prominent members of the movement, but I know that there was a great deal of intimidation.

Mr. *Thomas Murray Gladstone,* called in; and Examined.

Mr. *T. M. Gladstone.*

1490. *Chairman.*] WILL you state your position in life?—I am an engineer.

1491. Have you turned your attention to the subject of strikes between masters and workmen?—I have.

1492. In your opinion, are the strikes general, or could they be in any way put a stop to?—I think that the chance of workpeople striking could, by the adoption of certain measures on the part of the Government, be very much reduced; in fact, almost done away with.

1493. In what manner could that object be effected?—Not precisely in the way that has been proposed, by having a Court of Conciliation, such as I have heard described, but rather by the Government appointing a Commissioner whenever a strike appears to be likely to set in, and by that Commissioner, rather in the form of an inquiry for the purpose of conciliation, listening to the different sides of the question, and thereby endeavouring to bring the parties nearer together. From my experience, having been present on two occasions when strikes took place, I think that such an officer would in all probability, if properly selected, be generally enabled to bring the differences to so minute a point that a strike would be unnecessary. The present powers of the Act of Parliament for the arbitration or settlement of disputes between masters and workmen

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Mr. *T. M. Gladstone.*

8 April 1856.

are not sufficient to make it available and effective, so that the authority could be called upon to arrive at any decision without restricting a portion of the principles of freedom, and infringing upon the rights of individuals in making contracts. It appears to me that no power should make a master manufacturer employ either his mill or his property, except in the way which he chooses, or make the man employ his labour, which is the property that belongs to him, unless he chooses to do so.

1494. Will you explain to the Committee your reasons for the opinion that the decision of an individual selected by the Government in the manner which you have mentioned, would be more satisfactory to the workmen than that of delegates of their own?—I think that it would be part of the authority of such a Commissioner to call together delegates of the masters and workmen; but that in his capacity of Commissioner, such is the respect of both masters and workmen for the Government of the country, he would have the most powerful influence in settling disputes.

1495. Do you think that such an individual would give more satisfaction to the workmen than a certain number of delegates appointed by themselves?—Decidedly; I think that in the first step of a strike these elements prevail; when a dispute arises there are two parties to a dispute, and the first steps are comparatively retarded by hopes of reconciliation, but every day opens the wound; that wound may by some circumstances be cured very soon; but if it goes to a certain extent, it goes beyond a matter merely confined to the individuals themselves, and becomes then a matter of social policy; and to prevent its speading to the injury of society it becomes important, as it appears to me, that the Government should be called upon as part of their duty to step in and to inquire into the nature and character of the dispute; it is injurious to society.

1496. Do you seriously mean to say that the masters and workmen would feel more confidence in such a man, appointed in such a manner, than they would in a certain number of their own body appointed to adjudicate upon their quarrels?—I do not mean to say that in effect his judgment would decide the question without the assistance of those parties. They would be called in in order to enable him to view the question in all its forms. But having such a person as I would have placed in that position, I conceive that it would have a very beneficial effect. It must put an end to the possibility of any unreasonable difference. If an unreasonable difference exists, of course no arbitration can possibly put an end to the dispute.

1497. Sir *H. Halford.*] How would you define the occasions on which the interference of this commissioner should be invoked?—He should interfere where there is public evidence of a strike taking place. There are, more or less connected with manufactories, frequent disputes between masters and men, on matters of contract; they may be settled between themselves without becoming of any consequence. For example, if you engage a man, he may give you notice to leave on account of his not being satisfied with his wages. In a solitary case, the result would be that you would either agree to his proposal or otherwise, and it goes no further; but when it comes to a formidable character, so as to be of public notoriety that in a branch of trade there is a dispute expanding itself, and evidently being organised, I think it becomes the Government to send a person down to the spot to inquire into the thing, and to see the character of it, and to endeavour to reconcile the dispute, and to report to the Government upon it.

1498. Then the resource which you recommend would have no operation until the dispute came to a certain height?—It would have no operation until the strike commenced; and I do not think that there is any necessity until that time for its assistance. At present the Government, even when applied to, has not at all interfered in these matters, probably from the feeling that as no express Act of Parliament has been passed for this purpose, the parties might consider their interference impertinent, and thus they might do injury rather than good. But when once a difficulty has set in on one side or the other, without allowing it to spread further, a party should be appointed to inquire into the thing on purpose that the exact condition of it might be known, and if both parties look through a distorted medium, at that period the thing may be very frequently settled by some person invested with some degree of authority, without its going further.

Mr. *T. M. Gladstone.*

8 April 1856.

1499. Is it not desirable that disputes of that kind should be rather stifled in their birth than suffered to attain a mischievous maturity?—They are generally stifled in their birth by the mutual interests of the masters and workmen in the ordinary course of things, as generally occurs when there is any dispute between individuals. If when these difficulties occur they were made known, we should find that there would be strikes every few months in some districts of the country.

1500. Would the proceeding which you suggest apply to cases of individual disputes?—No, not at all.

1501. Mr. *B. Blakemore.*] Would you arm this officer with authority to interfere and call for evidence in disputes arising or about to arise, between masters and workmen, or should he merely be a mediator between them?—He should merely be a mediator.

1502. Affording an opportunity for the masters and workmen to come before him?—Yes.

1503. Assuming that either masters or workmen had a dispute concerning their individual interests, and that they did not want the interference of any such officer as you have suggested, should his interference be compellable in any way?—I think the next step would be, that whichever side the objection came from the party who made that objection would be put in a position of such great disadvantage, and the sympathy of those around him would be so much lessened, that it would become, to a great extent, coercive with them to resort to this officer.

1504. Do you think that the moral effect of these proceedings would be, that public indignation would be so much aroused against the objecting party, that he would have very little chance of standing his ground?—Precisely.

1505. Would you arm such an officer with authority to call for books and papers, and to divulge the secrets of trade?—Certainly not.

1506. He should be there, that the masters and men might voluntarily, and of their own accord, have access to him, and he should mediate between them?—Yes.

1507. Such a person should, in your opinion, be appointed by the Crown, and of course paid by the country?—Yes.

1508. Should he always hold himself ready to act whenever he was called upon?—I have thought a good deal upon that point, and also upon the question, whether the appointment should not be made in this manner: Supposing that in any borough or district a dispute arises, which appears to throw a number of men out of employment, the authorities of the district ought to report to the Government that such an event has taken place; and inasmuch as the Government frequently might not have the opportunity of making choice of a good party, a reference might be made to the representatives of the borough or district, and the Member for that borough, who would have intimate connexion with the great body of the persons living there; and certain names might be sent up by them from the district, out of whom the Government should select the commissioner; and that that person should be out of trade, and independent both of workmen and masters. And if it were possible that a proper choice could be made under these conditions, I should judge it desirable that he should not be a legal man in the first instance; but that in matters of legal importance he should be able to refer to the judge of the county court or the stipendiary magistrate to assist him upon these points.

1509. Is it not the fact, that a strike almost always arises from some specific point of dispute between masters and workmen?—Yes; or from some extraneous matter.

1510. Should the decision given by this commissioner or mediator, whichever he may be called, be final upon the matters in dispute?—Certainly.

1511. Would you provide any means to make this decision applicable beyond the range of that particular dispute to which it refers?—No; I will give an illustration of what took place in one instance, which will apply to a great number of instances, at a time when the gulph between masters and men was becoming very wide; the reason why such a commissioner as I have spoken of would be most desirable, is, that upon examining into details, and reasoning with the workmen and the masters, it is very frequently found that you can induce one or the other party to observe the absurdity of their position, and are thus able to remove nine out of ten points of dispute. Now the illustration which I will

Mr. *T. M. Gladstone.* 8 April 1856.

I will give is this: 20 years ago I employed a great number of persons as a master. I had been present at a dispute when I was serving my time, when I was neither master nor servant, and then I observed the difficulties that existed between the masters and the men, which tended to produce a want of that union for their mutual interests, which was necessary to be arrived at from some quarter or other, but which was not provided. In the case to which I am about to allude, the dispute arose, not from the first action of the persons employed in the particular business of engineering, but from an advance of wages which was obtained in another trade. The whole of the workmen, engineers, smiths, stokers and labourers, then wanted the same advance, because another branch of trade had obtained an advance without any rhyme or reason for it. The masters rejected their application; they would not admit of it. Every step that was taken widened the breach, on account of the interference of agitators, and new points of difference were likely to arise, so as to make the breach so wide as to extend over weeks, or even months. The want of the interference of somebody who would come between, induced me to do this. Upon the spur of the moment, I said to them, "If I am empowered by the masters, I will go into the question myself with the men." I met the whole body of the men, (there were 4,000 of them), and before the end of the period I had induced them to put themselves in my hands, so far as to say to me, "What would you advise us to do?" I advised them to do what I propose should be tried at the present time, that they should appoint as delegates half-a-dozen of the best men, selecting the steadiest workmen, who were to meet half-a-dozen masters. I made them satisfied that their grievances would be settled, and the thing ended at once. They were not aware that they were doing that which would put themselves into confusion. The attempt to select half-a-dozen of the best workmen produced a perfect storm among them; every man thought himself the best; they took until 12 o'clock at night for the purpose, but they did select them, and the next day they met the masters, and the whole thing was settled. Now, I was under much disadvantage, because, as a master, I was looked upon as antagonistic to the men; but if a commissioner, who was not a master, had come to inquire into the matter in a friendly way, not in a legal way to use coercion, but in the way of inquiry and report, such a commissioner would have had a better opportunity than myself of accomplishing the purpose, and putting an end to what would otherwise have been a formidable and dangerous strike. I give that opinion from my own experience.

1512. There is nothing whatever in the present state of things to prevent either party asking for some person to mediate between employer and employed; but you think that the workmen would like it better if there were an officer selected by the Government, and they would be more likely to adhere to his advice?—There can be no doubt of it.

1513. Do you think such a single officer or commissioner would be more likely to answer the effect which this Committee wishes to produce, than a tribunal consisting of many individuals appointed by some person?—I think it would be highly important, for this reason, that if there was a tribunal of conciliation permanently settled, it would lead to many disputes being brought before them; in fact, they would be found to be more numerous than appears in the present state of the law; and the result would be that those very workmen themselves would, in my opinion, rapidly become dissatisfied with such standing tribunals.

Martis, 15° *die Aprilis*, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Leveson Gower.
Mr. Pollard Urquhart.	Mr. Apsley Pellatt.
Lord John Manners.	Sir Henry Halford.
Viscount Goderich.	Mr. Cobbett.
Mr. Wise.	Mr. Kinnaird.

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Mr. *William Newton*, called in; and Examined.

Mr. *W. Newton.*

15 April 1856.

1514. *Chairman.*] WHAT is your occupation in life?—I am an engineer.

1515. You are conversant with masters and operatives, and with strikes; will you state to the Committee in what manner strikes are generally originated?—Strikes very frequently occur for wages, but in the trade to which I belong that has not been the case; the majority of strikes have occurred from other causes. Strikes which occur for wages do so in consequence either of a reduction being offered by the employers, or a claim for a higher rate of wages being made by the workmen. If the employer wishes to reduce the wages of the workmen, he generally proposes to do it upon the whole of the workmen throughout the establishment; and the consequence is, that the whole of the workmen are joined together for the purpose of resisting it, and that leads to a strike. The employer does not deal with the workmen individually, and not dealing with them individually throws them into a state of combination, which causes them to resist the proposed reduction in a body.

1516. Is not there some reason why he is obliged to deal with them collectively, and not individually?—In all trades where the workmen work for wages, and not by piecework or by the job, the wages of each individual are stated at the time he starts to work or during the first week of his employment; but if a reduction of wages generally throughout the establishment takes place, it is done probably by a notice being posted in some prominent part of the workshop that a reduction to the extent of 5 or 10 per cent. will take place at a certain time. The first thing that is done then is for the men to call a meeting of their own body to ascertain whether the reduction should be conceded or not; if they decide on resisting it, they do so in a body, and the result is a strike.

1517. Does not the master have some consultation with the workmen previous to putting out that notice, or is it suddenly or unexpectedly put up?—It is suddenly and unexpectedly put up. I never knew of an instance in our trade where the men were consulted previous to such a notice being put up; the first intimation they have of the fact is by the notice being affixed in the manufactory.

1518. Do you approve of that mode of proceeding?—No, I do not; I think that the first object should be to get a consultation between the workmen and the masters as to the propriety of certain reductions being made at times when reductions were absolutely necessary.

1519. In your opinion what would be the best mode of attaining that object?—I am quite in favour of the councils of conciliation that have been suggested; I think that some such mode is absolutely necessary, and that the establishment of them would be attended with a great deal more benefit than in their simply deciding the cases submitted to them. I think they would be attended with a moral

moral benefit. I think the employers who knew that there was an appeal from their decision in a case of dispute, would much more readily reason with the workmen upon the matter in dispute, and they would settle it without going even to a board of conciliation.

1520. It has been stated by a former witness, that he thought public opinion would be of great importance, and that these councils of conciliation, by showing the workmen or the masters that public opinion was against them, would induce them more easily to come to an understanding?—There would not only be that fact, but there would be this additional reason, that the men having their complaints investigated, and the reasons for and against them clearly shown, if they were wrong would themselves immediately give way to the force of reason, independently of the public opinion which would be against them.

1521. Then your decided opinion is, that councils of conciliation, such as are proposed, would be useful?—I think they are absolutely necessary to prevent strikes.

1522. Are you or are you not of opinion that the present law is sufficient?—No, certainly not. I do not think the present law is applicable to them.

1523. Will you explain your reasons for that conclusion to the Committee?—My reasons for coming to that conclusion are these, that the present law only professes to refer to arbitration on past contracts, and in cases of wages or future contracts requires the joint agreement of both employers and employed. Now, I do not think that any Act of Parliament is necessary at all where both parties are previously agreed to refer to arbitration, because it can be done by simple arrangement between themselves and the appointment of persons in whom they have confidence, to come to the necessary conclusion. If I understand the Act of Parliament as it now exists, where contracts have been entered into between the employer and employed, and not fulfilled on either side, there is a remedy for the aggrieved party before a justice of the peace. Now, I know of many cases where justices of the peace have been applied to under circumstances of this description. A person has been engaged at a certain rate of wages, and the employer has perhaps alleged bad work; fined the workman for some irregularity in the workshop, and his wages have been deducted to the amount of those fines; he has demurred to receiving his wages with these deductions, and has appealed to a magistrate; I do not know whether the magistrate has decided the case under the Act which I am speaking of, or whether it is under any other Act of Parliament, but the magistrates have had the decision in those cases until very recently. Now I find that those cases are sent from the magistrates' court to the county court for redress. If a man has any complaint for wages from which deductions have been made, he is sent to the county court for redress; and, on the other hand, I know an instance a few weeks ago where an employer took out a summons against a workman for damaged work in the county court. But with regard to future contracts in relation to the settlement of wages or the number of working hours, the Act of Parliament distinctly states that neither the magistrates nor arbitrators can interfere, unless both parties agree to refer to them. Now, I say that if the employer and the employed agree to refer to a third party, they have no need of the magistrates or of the law either, because it is agreed they should take the award of any party that is appointed.

1524. How could they enforce that agreement; supposing, for example, that A, the employer, and B, the employed, differed in opinion, and supposing the Council of Arbitration was to give a decision in favour of B, and A refused to agree to that, by what means could this equitable council settle the business?—I presume that no equitable council could define the length of time for which a future contract should continue; they could only enforce their decision upon past contracts; where a contract which had been made and not fulfilled was alleged, then they could enforce their decision, but neither a Board of Conciliation nor arbitrators appointed mutually by the parties could say for what length of time a certain rate of wages should exist, or a certain number of working hours should be the practice of the trade. They may make their award at the time, that it is not expedient to raise the wages of the trade, or to shorten the hours of the trade, but they cannot so readily define for what time that award shall exist.

1525. Is not a man's labour his property, and has not he a right to dispose of it as he pleases in future?—Yes.

Mr. *W. Newton.*

15 April 1856.

1526. It has been stated also by a former witness, that there was a great objection on the part of the operatives to go before a magistrate, thinking that the magistrate, generally speaking, might be either a friend or a connexion, or might have some dealings in the same trade as the masters; do you agree with that opinion?—That is so to a certain extent; I believe the workmen generally would lose considerably before they would take the trouble of going before a magistrate; at the same time, I think that although these Boards of Conciliation should be of easy access, I do not think they should take up matters which have not been attempted to be settled by the employers and the employed themselves, and that until either party had refused or a settlement was not to be arrived at by them they should not go before the Board of Conciliation at all.

1527. Would you think it advisable that there should be a Board of Conciliation for each trade, or one General Board for all the trades?—I think there should be one General Board applicable to trades in general. It would be too complicated a matter to make one for each trade. The trades might be classified to some considerable extent, but I think one for each trade, the trades being so numerous in some districts of the country, would be a complicated matter.

1528. Have you turned your attention to the means of forming these Boards of Conciliation?—No, I conceive there will be some difficulty in doing so; I do not approve of the French system of the masters appointing the workmen, and the workmen the masters; I think each party should appoint his own representative; they would have more confidence in them; but the question as to how they should be appointed is one which I feel requires some consideration; I should conceive that it would be necessary to have a registration of the workmen in each district who had been located there for a certain time.

1529. Is not that the same as the French system?—It is the same as the French system, but it appears to me to be difficult to make the election of any of these Boards, without a registration.

1530. You could not make an election among the workmen themselves, unless the workmen were registered?—No; unless you adopted the trade societies, which I presume would not be satisfactory.

1531. Would it be a good system of election that each trade should elect a delegate, and that the delegates should meet together and elect the members of the court of conciliation?—I think that the system that each trade should appoint a delegate, and that body of delegates should appoint the arbitrators, would do very well.

1532. Do not you think that if all the trades were represented, each trade having a vote in the business, would be more likely to attend to the decision of the council of conciliation than they otherwise do?—I have no doubt it might be made to work satisfactorily.

1533. Lord *J. Manners.*] Would you not be obliged to have recourse to registration, in order to know who were engaged in each trade?—Not under those circumstances, because if in a particular district, say of the metropolis, a public meeting was called of the members of a particular trade for the purpose of appointing a delegate, I presume that all that would be necessary would be that the meeting should appoint a person to represent them.

1534. What certainty would you get that this meeting would only be attended by the members of a particular trade?—There is a general certainty; the men are so well acquainted with their own workmen in the same trade, that it is scarcely possible for a stranger to be there who is not known to be so.

1535. Take any very extensive trade, such as the bakers, or shoemakers, or tailors, do you think that the people employed in those trades in the whole area of the metropolis would know one another?—It is the only means we have now practically of carrying out our measures. If a question arises connected with those trades, and a public meeting is called specially to consider those matters, it is supposed to be confined to members of the trade only; the only means we have of ascertaining them is our general knowledge of the men with whom we are constantly working.

1536. Do you think that the trades would be satisfied with that means of arriving at a knowledge of their members?—Delegates are often elected now for special purposes in that way, without any special registration.

1537. Mr. *Wise.*] Is there such an organisation among the working classes that there would be no difficulty in a registration?—Yes.

1538. Lord

Mr. *W. Newton.*

15 April 1856.

1538. Lord *J. Manners.*] In speaking of the advantages of a Board of Arbitration, did the Committee rightly understand you to include the whole question of wages as coming under their purview?—Not the whole question of wages; I wish to make a distinction as to what I mean by the settlement of wages. Where work is done by piece, and not by the day, the wages are fixed according to the judgment of the manager or employer, and the estimate by the man of his own ability; it is a question of personal arrangement between the two. I do not think if a man goes to work at a strange place and is paid less than he thinks he deserves, that is to be a matter for these Boards of Conciliation; I think that the first fixing of the man's wages, which is presumed to be the first fixing of his ability, should be between him and his employer; and it is not until after that contract has been made, and is to be altered on public grounds, either a bad trade or a bad market, or something of that description, that the resistance, or the difference arising out of that, should be subjected to such Boards. It is only under such circumstances that strikes arise; I never knew a strike resulting from the difficulty of settling an individual's wages who worked in a workshop where there were 100 men; it is only when those wages are fixed, and there has been a disposition on the part of the employer to lower the whole of the wages so much per cent., or a desire on the part of the workmen to have their wages raised so much per cent., and there has been a general dispute, that a strike has resulted. And it is only in cases where strikes would result, that we should apply to these courts of conciliation, or we should be interfering too minutely with the relations between the employers and the employed as to wages, and causing difficulty and dissatisfaction.

1539. Wherever a strike has arisen, in consequence of a dispute about wages, would you call in the assistance of a Board of Arbitration?—I know of no strike that ever occurred that might not have been settled by a Board of this description.

1540. Were you rightly understood to say that you saw no reason at present for any Act of Parliament to enforce a decision where both parties have agreed to refer the matter in dispute to a magistrate?—No, I did not say so; what I said was this, that where both parties had agreed to refer the dispute to arbitration, the magistrate was not necessary at all. I presume that each party would agree to send one or two persons to represent them at the Board, to settle the dispute. I will take an instance: if an employer in London should think proper either to increase the number of working hours or to reduce the wages of his workmen, and the employé resist the reduction of wages or the increase of hours, but to prevent a strike they both should agree to refer the matter in dispute to a disinterested party, and the employer says, "You are my workmen; appoint a couple of men, and I will appoint two, and they shall appoint a kind of moderator, and to them we will leave the decision of this question, each of us stating our reasons for our opinion," I conceive that if such were done the law would be unnecessary; but it is because such is not done, because the employers refuse to listen to the workmen, and refuse to reason with them, and claim the arbitrary power of deciding these questions themselves, that such a Board as this is necessary.

1541. Supposing such a reference to arbitration as you have described to take place, how, without an express law, could a party who thought himself aggrieved by that decision, be compelled to abide by it if he declined after all to accept the award?—There could be no compulsion under those circumstances; but I am at a loss almost to conceive such a case; I find it almost impossible to conceive that a workman or an employer who had agreed to refer to a certain Board, should refuse the award of that Board after they had so agreed; I can scarcely conceive of such a case.

1542. *Chairman.*] Did not you state, in answer to a former question, that the influence of public feeling would operate upon such a party, and that it would have a great effect?—I said that the influence of public feeling and the knowledge that the man had of being in the wrong, from the reasons assigned in the award, would operate upon his mind.

1543. Mr. *Cobbett.*] Do I understand you to say that you are desirous that there should be a power in these Boards to settle wages by the piece?—Only in those trades where it is customary. There are certain trades in this country where the work is done by the piece and by book-prices, such as the compositors and the tin-plate workers, and a number of trades of that description, which have

Mr. *W. Newton.*

15 April 1856.

at present book-prices for the work which they perform; and I think that any proposed regulation of the prices which are so received throughout the trade is a fair subject for these courts of conciliation.

1544. Do you think that this Board should ascertain the rate of wages by the piece, but not by the day?—The rate of wages which each man earns under those circumstances, depends entirely upon the skill of the workman. The men are paid so much per thousand, or so much per piece, and a man who is more skilful than another gets more wages than another. The rate of wages of each man would have nothing to do with it whatever; but if a general proposition were made for altering these prices altogether, it would affect every one; and if the men resolved to strike in the event of the master persisting, I think the settlement of this question would be a fit subject for a court of conciliation.

1545. Do you think that there ought to be a tariff of prices for each particular trade, settled and sanctioned by these Boards?—That would only be to continue the present system; there is in those trades a tariff of prices. I do not say that you should introduce it into those trades where it is not customary, because I presume that what is customary in all trades is that which is found to be best in all of them. You could not introduce the system of working by the piece in those trades where working by the piece is not now found to be practicable.

1546. Viscount *Goderich.*] Would you confine the action of this tribunal to the case of trades where working by piecework is found to be applicable?—No. I say that is a legitimate case for an application to these courts, where the men work by the piece, or where the men work by the day, and a general reduction throughout the establishment is proposed, not an individual reduction. If an employer says to a workman, "You are not worth the sum I am paying you," I do not think that a subject for a strike, and therefore that would not be a case for a court of conciliation at all; but where skill is not the question at all, but an attempt is made to reduce the whole of the wages of an establishment, and probably of the trade, I say we have a right to inquire whether the circumstances of the trade generally justify a reduction, or, on the other hand, justify a demand for an increase.

1547. You do not propose that the tribunal should deal with any question relating to the individual qualification of any particular man, but should generally settle the price of labour in any particular trade?—Yes.

1548. The Committee are not to understand that you have any objection to the system of piecework?—Certainly not, in those trades where it is established under a tariff of prices.

1549. You have no objection to piecework under those circumstances?—Certainly not.

1550. Mr. *Wise.*] I think, just now, I understood you to say, as to the composition of the councils of conciliation, that you should approve of a body being elected half of masters and half of workmen; one by each class?—Yes; I did not say that I would confine them to those classes, but I said that half the number of the council should be elected by the masters and half by the workpeople.

1551. Should you approve of a chairman or moderator who should preside over their sittings being appointed by any public authority?—I think it would be very important, and that a moderator would be highly necessary; but as to the party I should be diffident in giving an opinion whether he should be appointed by some Board of Trade, or by some Government official, or by the parties themselves. I am scarcely prepared to give an opinion upon that; I know that, on the part of the working people, there is a want of confidence in persons appointed by the Government; and whether that would be practicable or not I am not prepared to say.

1552. Have you heard the county court judges suggested as men who might preside over these councils?—No, I have not; I have no objection to lawyers; in fact, I think they are the most fitted to weigh evidence in any matter in dispute, and by virtue of their education they are not likely to come to a result in favour of any particular class of society.

1553. *Chairman.*] Does not that rather contradict your former answer, where you said that workmen viewed with jealousy any one appointed by the Government, inasmuch as a judge of the county court is appointed by Government?—I am not speaking in favour of the judges of the county court; I said that I would

would not say that the judges of the county courts should be the parties, but I say they would not object to a lawyer.

1554. Mr. *Wise.*] Would your objection be somewhat less if the parties were appointed for life, and were independent of the Government?—To some extent that would lessen the objection; but I have not thought much of the question.

1555. Should you think that, if the council of conciliation were composed half of masters and half of operatives, it would be desirable to have some member who should be totally independent of both parties?—I think so; but what would be the best means of choosing such a member, I am not prepared to say.

1556. Viscount *Goderich.*] You say, that the working men are inclined to look with suspicion upon those appointed by the Government; do you think that they do so in the case of the Factory Inspectors?—No, I think not. I think the Factory Inspectors, to some extent, have been appointed from some parties who had taken rather a favourable view of the position of the working people of the district.

1557. Therefore your answer does not mean to imply that it would be impossible that persons appointed in some degree by the Government, should be viewed with confidence?—No. I believe it is possible for Government to appoint good men, but I am afraid that confidence is not generally in favour of their doing so.

1558. Do you know whether the Act to which you have referred, the 5th of Geo. 4, c. 96, has ever been put into operation?—I can scarcely speak precisely; I do not know whether or not that was the Act under which the magistrates decided those questions which were referred to them.

1559. Under this Act the cases would not be referred to the county court, and, therefore, it seems probable that this was not the Act under which the magistrates decided those cases to which you have referred, but that they decided them simply in their ordinary functions of justices of the peace; do you think that the existence of this Act is generally known?—I do not think it is generally known, either among the masters or the workmen.

1560. Have you ever had your attention directed to it before this inquiry?—Yes.

1561. At the time of the strike in which you were engaged, did this Act ever come into operation?—No; I never thought of it. I do not think it would be at all applicable in such a case.

1562. You are aware that there is a clause in it, which would enable you, in that or any other case, supposing both parties agreed, to have arbitration?—Provided both parties were agreed; but we were never able to get the employers to agree to any such system, and if we had, I doubt very much if we should have come within the operation of the terms of that Act.

1563. Why not?—Because we should have had to refer to the magistrate; and I think we should have preferred appointing an arbitrator without the interference of the magistrate at all.

1564. Are you aware that under this Act the parties to be appointed are masters and workmen in equal numbers?—Yes, that was the purport of it.

1565. Do you think that any interference of the magistrates at all would create a very great objection to the working of this Act on the part of working men?—To some extent. In a case such as ours, where it is of great public importance, I do not think that we should have refused to go to the magistrate, because he was a magistrate; but I think that we should have preferred naming our own arbitrators, and allowing the employers to do the same, and settling it amicably without the interference of the law at all.

1566. If you had adopted the law, would you not have had the weight of the law on your side?—Yes; but I can scarcely conceive a case in which a decision should have been arrived at by an arbitration so appointed, to which the workmen would not willingly agree, even if they felt it was a decision by which they were foregoing something that they had a right to.

1567. In the case of any fair and equal arbitration, is it your opinion that the workmen would abide by it?—I feel certain they would; I know an instance where that has been done.

1568. Mr. *P. Urquhart.*] You said just now, that the workmen do not know anything about a contemplated reduction of wages until there has been a notice stuck up in the factory; does the effect of that notice take place immediately; are the wages reduced on the following day?—The practice is generally to give as much notice for a reduction of wages as a man is entitled to if he were dis-

Mr. *W. Newton.*

15 April 1856.

missed from his employment. If a notice of the reduction of wages were put up in a manufactory, saying "On and after a certain day the wages paid in this establishment will be 10 per cent. less than are paid at the present time," that day generally allows at least the length of time that a man would be entitled to notice of if he left the employer.

1569. Is it often more than that; is it ever a month?—No, I should say not; it might be 10 or 11 days; but I should say in no case a month.

1570. Is it generally a week or a fractional part of a week?—That is the general rule.

1571. Would it tend to prevent disputes if the effect of the notice did not take place immediately; if it did not take place till a fortnight or even a month afterwards?—I do not think there is any evil in the master signifying his intention to reduce the wages in such a mode as this, if he would listen to reason after the notice has been fixed up; as I have said, after the notice is posted, it creates a very great feeling among the workmen; the moment it is seen the question is asked, What is to be done? Probably a meeting is convened on leaving employment that evening for the purpose of ascertaining what steps shall be taken in the matter; probably the first thing done at the meeting is to appoint a deputation from the body to wait upon the employer or the manager, or whoever has the power to make an alteration; that deputation, in a great many instances, is not listened to; they are told they are raising disaffection in the workshop; that if they are not satisfied with it, they can leave it; and in very many instances the deputation themselves are discharged to intimidate the rest of them from making any remonstrance at all. If the employers were easier of access (and I think the establishment of these courts will make them so, because if there were an appeal from them to another court they would see the necessity of being more communicative), and if the employer were to come into the meeting of his work-people alone without the interference of a third party at all, and reasoned with them, and showed them that there was a serious necessity for the reduction offered, and promised to them that if there was an improvement in the trade they would return to the old wages, I believe there would not be half the disputes that there are.

1572. If there were more time given for some sort of conciliation to take place; if there were a greater length of time between the notice of the reduction and the reduction actually taking place, would not strikes be less frequent?—I do not think that would make any difference if the master were accessible to the workmen.

1573. If the master were accessible to the workmen, do not you think that a week or a fortnight would be desirable?—If the master were accessible to the men in general, they will settle the question in a very short time.

1574. You talked just now about trades' unions making remonstrances; are those trades' unions generally regarded with less or greater approbation now than they were 15 years ago?—I believe they are viewed more favourably just in proportion to the intelligence which exists among the members composing them.

1575. Fifteen or twenty years ago they were regarded almost in the light of revolutionary associations?—They had then a political character which they have not now.

1576. Now they are regarded as benefit associations; have they not much more that character than they had?—Yes; as regards the association with which I am connected, we do not allow any political matter to be discussed at all, nor entertained among us.

1577. You spoke just now of the tariff of wages of different trades; where such a tariff exists does not it often happen that a workman evades it by saying "I will work at the rate set down in the tariff, but I shall expect something besides"?—I do not know of such instances.

1578. Is the tariff generally adhered to?—I believe so.

1579. Sir *H. Halford.*] In making a tariff of wages, are there any data upon which you think courts of conciliation could safely proceed?—In trades where a tariff is established, they have the printed book of prices. I think any deviation from the prices should be justified by some altered circumstance. When these book prices were established, they were supposed to be established to meet the circumstances of the time.

1579*. If you want an alteration you must show that the circumstances have altered, so as to justify that alteration, and that it is a fair matter for such a court

court to consider; do you think that there might be cases which would come fairly within the scope of the knowledge and inquiry of the Board of the kind proposed?—I think so.

1580. *Chairman.*] There is a particular instance among the constituents of the Honourable Baronet who has just been examining you, which seems a very hard case upon the workmen. The masters in the hosiery trade buy the knitting frames, and give them to the men, and make them pay for them 1 *s.* per week, and they will not employ any man who does not rent the frame of them; whereas these men, instead of paying 1*s.* a week, might get a good knitting frame for 30*s.*; do you think that a court of conciliation could meet that evil?—I think so, certainly.

1581. Sir *H. Halford.*] Do you think that it would fairly come within their functions to prevent exorbitant stoppages of wages?—I think so.

1582. Viscount *Goderich.*] Did you hear the suggestion that was made by a former witness with reference to the appointment of a Commission by the Government to inquire into the circumstances of strikes, and to make a report upon them?—I did.

1583. Have you formed any opinion upon that suggestion?—I should prefer a council appointed in the way I have suggested, comprising an equal number of representatives of each party; I do not think that there would be the confidence in a Commissioner, however just he might be, that there would be in a Board of Arbitration.

1584. Would you wish that these Boards of Arbitration should be permanent rather than that they should be appointed on each particular occasion of a strike?—They should be permanent; I think that they would soon become obsolete if they were to be appointed in each particular case, for it would only be on very great occasions that they would be resorted to; the comparatively trivial matters that sometimes lead to great matters would be overlooked; it would be impossible that the Boards should be convened for them.

1585. Mr. *Wise.*] Much has been said in this Committee with reference to past proceedings in connexion with the Engineers' Association, and I will, therefore, ask you one or two questions about it; and first, do you know whether the Amalgamated Society of Engineers and the Union of Employers are still in existence?—The Amalgamated Society is in existence, and I believe that the Union of Employers is also in existence.

1586. Has the Amalgamated Society any paid agents at this time?—None whatever, nor ever had.

1587. Are you aware whether the Union of Employers has any paid agent?—The person who organised them and got them together is a paid agent, and has no connexion with the trade in any way.

1588. Viscount *Goderich.*] Who was that person?—Mr. Sydney Smith.

1589. Lord *J. Manners.*] Have the masters' union any paid agent now?—I believe that Mr. Sydney Smith is acting now as their secretary, and I do not think he is the man to act without being paid.

1590. Mr. *Wise.*] Do you think that if councils of conciliation were established as suggested, the Amalgamated Society of Engineers or the Union of Employers would be dissolved?—The Amalgamated Society would not be dissolved in consequence of that, because the Amalgamated Society has many other objects besides that of settling questions regarding the conditions of their work, and it will be at once apparent that they would not sacrifice the great benefits which they have in other ways; we receive a very large benefit from our society; if a member is out of employment, he receives at the rate of 20*l.* a year so long as he is out of employment, and if he is sick he receives 20*l.* a year during his sickness, and after the age of 50 is entitled to a superannuation allowance of 5*s.* per week for the rest of his life. During the last year the society has spent 11,000*l.* in maintaining men who were out of work through the slackness of work, and 5,000*l.* for maintaining men who were out of work from sickness. Their expenses have been 23,000*l.* altogether during the year, and they have a fund of 37,000*l.*

1591. So that if your employers were to lay down a rule to employ no operative who belonged to a union, would that very seriously injure the operatives in a social point of view?—Certainly, and the employer would be committing suicide upon his own establishment if he were to do so.

1592. Did I understand you to say that the Amalgamated Society is so desirous of arbitration that they were anxious to settle the dispute which has been

Mr. *W. Newton.*

15 April 1856.

been alluded to by arbitration?—I will give you the detail of the particulars of the proposition. On the 30th of December a public offer of arbitration was made to the employers; I may first say that the notices containing the claims which the engineers made for the abolition of overtime and piecework were sent to the employers upon the 24th of November 1851; and from the time they were so sent up to the 24th of December, which was exactly a month, no notice was taken by the London employers of those notices, and the society were led to believe, from some communications which they had had with the workmen on the various establishments, that the employers were willing to agree to the terms of them; but in consequence of a deputation from the Lancashire district waiting upon the employers in London, and of the operations of Mr. Sydney Smith, who was organising the association, the London employers were induced to join the association, and to declare that on the 10th of January they would close their establishments. When we saw this in the resolutions which were published, we immediately decided upon calling a public meeting; the matter had appeared in the "Times" newspaper, and a great deal of feeling was excited; but we agreed to call a public meeting, and make a representation of our case to that meeting. The representation was made, and in the course of that meeting the following statement was made: "With regard to arbitration, if the employers would establish a Board, and allow the workmen to establish their Board, and let the question be settled between them, there would be no objection to piecework; but as it was, it gave the men less than their ordinary wages. The men would abide by the decision of independent parties; let persons be appointed whose whole soul was not wrapped up in commercial speculation, men who had identified themselves, not merely with the commercial progress, but also with the progress of the industrial classes; such men as Lord Shaftesbury, Lord Carlisle, Lord R. Grosvenor, and the Hon. A. Kinnaird. By their judgment the men would be willing to be governed." Those were the terms in which the question of arbitration was submitted to the meeting; that was on the 30th of December. The employers closed their manufactories on the 10th of January; but previous to their closing their manufactories, it was intimated to us, that in all probability the employers would receive a deputation from the workmen, and on the 5th of January we wrote to them, to ask if they would receive such a deputation; they answered the communication by saying, that they should decline to receive any communication from the society; this was all previous to closing the establishments. I heard it stated at the last meeting of this Committee, that Lord Cranworth's letter came in at the conclusion of the dispute, and decided the matter. Lord Cranworth's letter was written on the 10th of January, which was the very day when the employers closed their manufactories; so that instead of coming in at the end of the dispute, it was at the very beginning of it; and the dispute lasted four months after Lord Cranworth's letter had appeared; it was written on the 10th of January, and published in the "Times" on the 17th.

1593. A previous witness also said that Lord Cranworth's decision was given after reasoning the case with the men; had you any opportunity of discussing the question with him?—No workmen ever saw Lord Cranworth upon the subject. Some of our friends who wished to get up an arbitration for us upon the matter, went to Lord Ashburton, and Lord Ashburton went to Lord Cranworth; we were favourable to Lord Cranworth, because he had presided at Liverpool at a large trial that had taken place there, and had spoken very feelingly upon the part of the workmen, and he was mentioned as being likely to act in conjunction with Lord Ashburton; he consulted with Lord Ashburton, and undertook to write a letter without any communication with us, or even with our friends who we had asked to consult Lord Ashburton; so that it was quite an *ex parte* statement.

1594. It is said that the society was influenced in its demands by persons not connected with the trade; is that so?—Certainly not; the only persons we spoke to, who were not connected with the society, were persons who advised us by all means to have nothing to do with the strike; their object was to prevent the strike in the first instance, and after the strike had taken place, they did their utmost in order to get men of the greatest influence in the country to arbitrate for the purpose of putting a stop to it.

1595. *Chairman.*] In fact, you wanted an arbitration, and you were not able to get it?—There were no means of getting it.

1596. Mr.

1596. Mr. *Wise.*] Were these propositions which were made by the workpeople for the abolition of piecework and overtime new things, or had they been long discussed before?—As far back as the year 1836, when a strike took place in consequence of the very same thing. I have a document here which pretty nearly explains the whole matter; it shows that there was a requisition made by the workmen of Messrs. Seward & Co., large employers of engineers, for the reduction of the number of working hours from 10½ hours to 10 hours a day, and for the regulation with regard to overtime, for which they should pay time and a quarter and time and a half. The answer from Mr. Seward objected to that, and the men struck; and in consequence of the workmen of the other employers in the neighbourhood subscribing to the assistance of Mr. Seward's men, a notice was posted on the other factories that if they did not cease to subscribe, their establishments would be closed. The result of this was that the men were entirely successful; they succeeded in reducing the number of hours from 10½ hours to 10 hours a day in the establishment then existing; and they agreed that when there was overwork, the first two hours should be paid for at the rate of a time and a quarter, and the remainder of that overtime should be paid for at the rate of a time and a half. That regulation and that rate has existed up to the present time.

1597. *Chairman.*] Did that give satisfaction?—That gave satisfaction so far, until we made an attempt to abolish piecework altogether. In the year 1845 we advertised a prize for an Essay on Systematic Overtime, and an essay was written, which gained the prize, upon "Systematic Overtime Working, and its Consequences, Moral, Physical, Mental, and Social," by Mr. James Binns, a surgeon in the neighbourhood of Lancashire. This was the means of showing the evils of this system; and since that time it has been the subject of considerable discussion for a period of many years. It was not a new thing lately.

1598. Mr. *Wise.*] Do you think that if there had been any permanent Board to which application might have been made at that time a final settlement of the matter might have taken place, and that long dispute might have been settled?—I think it could never have taken place if from the 30th of December to the 10th of January the two parties could have met to consider the question; I am quite sure that the men, even if the award had been against them, would have felt themselves bound to agree to the award.

1599. They were anxious not to be in an unsettled state?—Certainly.

1600. It has been stated that the objects sought for by the Amalgamated Society were desired only by the dissolute men; were the objects sought for by the engineers only desired by a few, or were the demands made by a large portion of the workmen?—In the year 1850, at the delegates' meeting, which took place at Birmingham, certain rules were established in our society calling upon the members in connexion with our society to abolish piecework. At one time, in virtue of these rules, the executive council, during the year 1851, consulted the whole of the members. I have a copy of a schedule here, which was sent to the society, containing a number of questions: they were, "How many members are there in your district working piecework?" "How many non-society men are working piecework?" "How many votes of the members of your society are in favour of abolishing systematic overtime?" "The votes of the members of your district in favour of abolishing piecework, and the votes against." The result of these votes was, that in the whole of the members (they were not so numerous then as they are now, for we now number 12,902 members), there were 9,000 votes in favour of the abolition of piecework and overtime, and there were 16 votes only in favour of the retention of these systems. So that the council of the Amalgamated Society, comprising only seven individuals, had no choice in the matter at all but to carry out the instructions given to them by these votes.

1601. A great many charges have been made against the engineers; I will only allude to one of them. Is it a correct statement that pickets were appointed by the engineers, and that all sorts of intimidations and assaults were committed upon the men who continued to work during the strike?—Not a single picket was appointed throughout the whole of the dispute; not a single assault, or threat, or intimidation was brought before the magistrates, either in London or any district where the dispute occurred. I think there never was a dispute in this country which was so free from charges of that description while the dispute

Mr. *W. Newton.*

15 April 1856.

was going on, for there was not a single charge against any member of the Amalgamated Society.

1602. How do you account for such charges being made?—It is not easy to account for them.

1603. Lord *J. Manners.*] You have stated that Lord Cranworth's decision was an *ex parte* one; do you mean that, although Lord Cranworth did not consult with any member of your association, he did consult with the members of the masters' association?—He seems to have consulted the documents of the masters' association, for he speaks here, in his letter, of some demand which we had made, and which we have proved that we never made; they were with reference to the discharge of labourers from the machines. He says here, in the second paragraph of his letter, "the points upon which the men insist are, first and mainly, that the masters employ unskilled labourers." Now, so far from that being a question in the Amalgamated Society, we have repudiated that question altogether in the course of this dispute.

1604. You do not state to the Committee that you know that Lord Cranworth consulted the employers, and did not consult the employed, but from his decision you judge that he saw the documents put forth by the employers?—I say that, in answer to the statement made to this Committee on a previous occasion that Lord Cranworth had come to his conclusion after reasoning with the men.

1605. *Chairman.*] Did Lord Cranworth in his decision make any statement of the objects of the men from any document by them?—A printed document, I believe, was put into his hand, the document which the Amalgamated Society issued to their employers; and it does not contain any such case relating to unskilled labour.

1606. Viscount *Goderich.*] What you have stated with reference to Lord Cranworth is, that he had certain documents on both sides in his possession, but that he did not on your side hold any personal consultations with the men, or with any individuals on their behalf?—He had no personal consultations with the men or with any individuals on their behalf; but he does not seem to have studied the documents which the men have issued, because he charges them with making demands not contained in the documents.

1607. Were those documents sent by the men at any time?—I am not aware of that.

1608. Mr. *P. Urquhart.*] You said just now that in your society there were only 16 men in favour of overtime, and all the rest against it; were those 16 men the best workmen?—I cannot say; those circulars were sent throughout the whole of the United Kingdom.

1609. You have no evidence of their general character?—No.

1610. Mr. *Cobbett.*] You have just now referred to a paper which you say Lord Cranworth had in his possession, which emanated from the working people?—I am not aware whether Lord Cranworth had it in his possession; I know a gentleman who consulted Lord Cranworth on that paper.

1611. I understand from a witness, who was examined the other day, that the origin of the dispute between the engineers and their masters was a paper issued by the engineers, who, amongst other things, said something about "ruling the trade;" have you a copy of that paper?—There is no such paper; the Amalgamated Society never issued anything of the kind.

1612. Do not they in any of their rules, or in any of their publications, make use of that expression?—Nothing of the kind; I have their documents here.

1613. Have you a document which contains that expression?—I have the only document that was issued to the employers causing these disputes.

1614. Did not some document which was issued cause the masters to say, "Unless you withdraw these demands we will lock you out"?—Yes, this is it (*producing the same*); that was the only document which up to that time had been issued to the employers by the Amalgamated Society since its existence.

1615. What is the date of that document?—November the 24th, 1851.

Vide Appendix.

1616. Will you hand it in?—[*The same was handed in.*]

1617. Is there any document which shows the intimation of the masters in answer to that document?—Yes, there is a representation of the masters' case, signed by Sydney Smith.

1618. What is the date of that?—January the 17th, 1852.

1619. Is that the next document that follows in order of the history, as it were, of this dispute?—Yes; the next important document.

1620. Will

1620. Will you hand it in?—[*The same was handed in.*]* Mr. *W. Newton.*

1621. Did the document of the 17th of January cause the engineers to offer arbitration?—An arbitration on the part of the workmen was offered 17 days before the appearance of that document. 15 April 1856.

1622. What was meant by that offer of arbitration?—It was made at a public meeting in the way I have stated; in addition to which, on the 5th of January 1852, but five days after this public meeting, and five days before the closing of the establishment, we wrote to the masters requesting them to receive a deputation from the Amalgamated Society, for the purpose of arranging some terms of settling the dispute. *Vide* Appendix.

1623. Have you a copy of that letter?—I have not; I have a copy of the answer refusing the request.

1624. Could you procure a copy of that letter?—I have no doubt of it.

1625. That was a formal offer in writing?—It was a formal offer in writing to appoint a deputation to wait upon them.

1626. What answer did you receive to that letter?—They declined the offer.

1627. Have you a copy of that answer?—I have.

1628. All this is before the 17th?—It is dated January the 6th.

1629. Will you hand it in?—[*The same was handed in.*] *Vide* Appendix.

1630. That is all you can produce with regard to the offer of arbitration?—Yes, except that Lord Ingestrie wrote to the employers' association as well as our association, but I have not the letter; they declined to give any information upon the matter.

1631. As to Lord Cranworth's letter, what is the date of it?—The 10th of January, the very day of the lock-out.

1632. You say that Lord Cranworth's letter was published in all the newspapers?—Yes.

1633. Have you a copy of it?—I have; there is a letter here of Lord Ashburton's which was sent at the time, which I should like to hand in with it.

1634. Will you hand those documents in?—[*The same were handed in.*] *Vide* Appendix.

1635. Did the Amalgamated Society know anything of the application to Lord Cranworth before it was made?—No.

1636. When did you first get any intimation of it?—A few members of the council consulted with some gentlemen in London; they wished to know if Lord Cranworth could be obtained to act as chairman to the Board of Arbitration if such could be appointed. These gentlemen had no communication with Lord Cranworth, but they saw Lord Ashburton, and he undertook to speak to Lord Cranworth; he did speak to Lord Cranworth the next day, and Lord Cranworth answered him, by writing a letter which he wrote to Lord Ashburton; and Lord Ashburton published that in the "Times" of the 17th.

1637. That is the only decision of Lord Cranworth's upon your case?—That is the only one.

1638. The engineers did not, in point of fact, see Lord Cranworth, or represent to Lord Cranworth in any way what their case was?—Certainly not, nor any one on their behalf.

1639. When Lord Cranworth's letter was published, did the engineers view it as a decision upon their case without a hearing, or as no decision at all?—As no decision at all; as the opinion of a private individual.

1640. Lord Cranworth not having had the case laid before him?—Not having had the case laid before him, and clearly misunderstanding it.

1641. I observed the other day in the evidence of Mr. Sydney Smith, that he called the affair between the engineers and their masters, a strike of the engineers; he seems afterwards to agree that it was not a strike, but a lock-out; does not that make a great difference?—I should conceive it did.

1642. From your recollection of what took place at the time, was not it the fact that that part of the public press which took the part of the masters against the men used continually the word "strike" in speaking of it?—Certainly, they did.

1643. Do you think that any irritation was caused among the men from that misrepresentation at the very outset of the case?—I do not think there was, for the men met it in their own way; every document they published in a public manner, they headed "Employers' Strike."

1644. They counteracted the effect of that misrepresentation as well as they could?—To a great extent.

Mr. *W. Newton.*

15 April 1856.

1645. Do you think that the fact of a large and powerful part of the press continually calling it an engineers' strike, had an effect upon the public mind prejudicial to the engineers, when in point of fact it would not have been so prejudicial to the engineers if the truth had been stated, namely, that it was a lock-out of the masters?—Certainly; and we had the greatest difficulty to make indifferent persons understand that we had not struck, but had been turned out.

1646. Supposing such a matter as that unfortunate difference could have been submitted to a court of conciliation, would not such misrepresentations have been avoided?—Yes, or corrected.

1647. Would not that have tended to produce harmony sooner in the case of the engineers?—Certainly.

1648. What was the precise date of the lock-out?—The 10th of January 1852; I may say that the workmen ceased working overtime, in accordance with the terms of their resolution, on the 31st December. In the notice that was served on the employers on the 24th November, it was stated that they would cease working overtime on the 1st January; after the 31st of December 1851 the men did not work overtime, but left at the conclusion of their day's work, and that went on till the 10th, when the establishments were closed.

1649. Lord *J. Manners.*] Was not it, in fact, what may be called a partial strike?—I do not think we should be justified in calling it a strike when a man works the usual time. Six days' work is enough; I think a man has a right to say that he will not work more than six days' work. The evil of this overtime was, that it was not an accidental or casual thing, but it had been a systematic thing. The contracts were taken with the full knowledge that they would be worked out by overtime, from four o'clock in the morning till ten o'clock at night; and they were compelled to work or leave the establishment. If they insisted upon leaving when their day's work was concluded, they were discharged.

1650. Has that been the practice of the trade for some time?—For some time, as may be evident by the opposition which it has met with for the last 20 years.

1651. Mr. *A. Pellatt.*] Was there a great demand in your trade for engineer's employment?—No, there was not; for, during the year 1851, trade had been sufficiently slack to cause the society to expend 4,000 *l.* in maintaining members out of employment through the slackness.

1652. Were there a good many workmen in some shops in London engaged in overtime?—Yes, there were.

1653. To what extent?—I cannot say to what extent, but in some manufactories to a considerable extent; at Penn's, at Greenwich, to a very considerable extent. I have known at Penn's, at Greenwich, times when the engines for driving the manufactory were not stopped from week's end to week's end, and the men had been compelled to work on a Sunday frequently.

1654. May not it happen to the superior sorts of workmen that there may be a casual demand for extra work made upon them?—We do not object so much when there is a casual demand, but it was when there was a systematic demand from year's end to year's end, without any cessation, that we objected to it. It was the system for men to work from six in the morning to eight or ten at night; it is usual in other trades for men to work the usual day.

1655. Suppose it might happen in Penn's shop that there was a constant demand for overtime; if that were interfered with, would not it be a serious loss to the workmen, the masters, and the community generally?—We find that the employers have a remedy, for in some manufactories, which have been exceedingly busy during the late war, they have had a double set of hands, one for night and one for day, which has completely obviated the evil, giving a general employment to more men, and causing those who had employment so much greater ease.

1656. Upon the whole, giving your consideration to the subject of the late strike of the engineers, and to what is proposed to this Committee, do you consider that courts of conciliation, by producing a sort of breakwater between the masters and the men, will lead to useful results?—I believe, if there had been such a court of conciliation, the strike would not have occurred.

1657. Mr. *Wise.*] As to the question of overtime, do you think that a man, considering the importance of the work to be done, after he has worked 15 hours a day, is in a fit state for anything but to go to bed?—Certainly not; I know

of

of men in our trade who had never done anything but work and sleep, except on Saturday night and on Sunday, all the year round.

1658. Has he any opportunity of improving his mind, or going out with his family?—I know one instance in which the members of our society at Greenwich endeavoured to establish a mutual instruction class, and they were compelled to give it up, from the system of overtime.

1659. Do you think that if a man works more than twelve hours a day, he can do justice either to himself or his employer?—I do not.

1660. So that, physically and morally and socially, such a permanent system of overtime is a loss to all?—It is a great evil.

1661. *Chairman.*] Besides keeping other men out of work?—Besides keeping other men out of work.

1662. Mr. *Kinnaird.*] What do you consider the amount of time that a man is able to work, so as to be able to attend to other things afterwards?—I think the rule in our trade is very fair compared with other trades in the country; that is, 10 working hours a day, which is 12, including meal times; from six o'clock in the morning till six in the evening, taking two hours out for meals, with the exception of Saturday, and then there is the reduction of an hour-and-a-half; that makes 58½ hours in the week.

1663. Do not you believe that if that was strictly adhered to, the employers would not suffer, inasmuch as the character of the work would be much better; would not a working-man who never did work more than 10 hours, do a much larger amount of work than one who worked a longer time?—To a certain extent that is so; I do not think it would make a great difference in the quality of the work, because the principal work is done by machinery.

1664. If he were to sleep from fatigue might not he spoil much of the work?—You may spoil it, for if you injure it you spoil it.

1665. Is there not much waste caused in that way?—I should say it might be so where there is extensive work at night; some have to work two and three nights in succession, that is, in extraordinary cases; and we do not object to it, because in extraordinary cases it must be done.

1666. In one case men were compelled to work on a Sunday; is that common?—It is frequent, but not common.

1667. Would a man who refused on principle to work on the Sunday have lost his employment?—Yes. I should say so; there may be some employers who would allow a conscientious scruple, but it is not general.

1668. Mr. *Wise.*] Does not systematic overtime tend to create such a nervous depression as has induced many workmen to recruit their strength by unjustifiable means?—I believe it is no benefit to the workman, although he gets more money by working overtime; it causes a greater expenditure, and in the end is of no use to him.

1669. Does not it lead to the use of stimulants?—It leads to the use of stimulants; I believe, if a man goes to work at four o'clock in the morning, and continues till 10 o'clock in the evening, the first thing he does when he leaves his work is to go to the public-house.

1670. Do not you consider that the physical constitution of man requires that there should be one day's rest in seven?—Certainly.

1671. Is that the general feeling among the workmen?—Certainly; our workmen would be very sorry to lose their day of cessation from labour.

1672. Can you tell me at what time the wages are generally paid among the engineers?—I think in our trade we have very little to complain of with regard to the payment of wages; they are paid generally comparatively early; I think the men are not kept more than half an-hour in most of the manufactories; but when they pay 1,000 hands I dare say they may keep them an hour.

1673. What is the paying hour?—They are generally paid at the time they leave their work on Saturday; that is, at four o'clock; there may be some cases where they are paid on Friday night, but they are few.

1674. Would not it be a desirable thing if the wages were paid on Friday night?—There would be a difficulty in that; for being Saturday, you are only able to pay the wages up to Friday night, because it takes a day to make up the accounts; if you paid them on Friday night you could only pay them for Thursday.

1675. Do you think that it would tend to the social and domestic comfort of the people to pay them on Friday?—It might be so in the country; but in

Mr. *W. Newton.*
15 April 1856.

London the markets are just as good in the evening as in the morning. In the country it may be advisable for the working man to send his wife to market on Saturday morning in order to have the advantage of the market.

1676. By securing to yourselves additional time for relaxation, and compelling your wife to market on Saturday night, do not you extend the hours of labour to those that keep the shops?—Yes; but I am directing my attention now to the position of the operatives.

Mr. *John Howshan*, called in; and Examined.

Mr. *J. Howshan.*

1677. *Chairman.*] WHAT is your situation in life?—A Spitalfields Silk-weaver.

1678. Have you been a considerable time in that situation?—All my life.

1679. You know the purpose for which this Committee is formed; will you state to the Committee your impression in reference to the differences of opinion between masters and workmen about their wages?—It is the general system in our trade when the masters make a reduction, perhaps only one manufacturer will begin to make the reduction first; when this manufacturer makes a reduction, some portion of the hands apply to that master to know the cause why he has made the reduction, and he very seldom gives any kind or pleasant answer; he frequently refuses to meet a deputation of his own hands. After that the trade generally have a committee formed, and this committee applies to other manufacturers to ascertain from them whether there is any need for any reduction, and in general the case is that there is no need for any reduction; but there are a few manufacturers in the trade, who seem to be always trying to cause a competition in the trade and undersell their fellow manufacturers. It would be as well, perhaps, if I were to state to you the general system of competition which exists in our trade, which is caused by a very few people whom we term unprincipled manufacturers. There is upon an average, in the velveting branch, from 1*s.* to 1*s.* 1*d.* a yard variance in price, according to the description of the silk. There is also, in the plain branches, a variance of from 2½*d.* to 4*d.* a yard, according to the competition in the different descriptions of plain branches. Now on several occasions we have had partial strikes take place, and it would be as well to refer to the way in which they have been settled. I may go some few years back to one in particular; in 1773 there was a general strike of all the trade, which was caused then by the amount of competition that existed, and the general distress which prevailed among the workmen; this strike lasted, on and off, for nearly three years, and called the attention of the Government to it. After that time there was a committee of masters chosen and a committee of men, and these masters and these men who were on the committee drew up a list of prices, and that was made binding law by Government. From that date up to 1824 the whole of the prices of any description of fabrics that were introduced into the trade were settled by the committee of masters and men, and were taken to the magistrates in the district, and then they became binding. In 1824 that book, which we call the book of prices, was repealed. There had been an importation of foreign silks at the time, and it was considered that some of the prices of some of the silks would come into competition with foreign goods, and that for that reason we should not be able to compete with foreign silks. In 1827 a strike again took place, which lasted five or six weeks, after which the masters conceded to the workmen what they asked. If there had been a committee in existence to which they might have repaired, the question could have been settled without delay.

1680. Mr. *Cobbett.*] What was that strike about?—For wages; in 1829 there was another, which lasted nearly two months; and then a meeting took place among the masters upon that occasion, and they sent a deputation to the journeymen, and there was a concession made by the journeymen to their prices, because they thought they had asked too much, and the journeymen, thinking their explanation reasonable, willingly conceded to their terms; and from that time up to the present such has been the general rule adopted in the trade. Deputations have waited upon the Board of Trade on several occasions in favour of Boards of Trade.

1681. *Chairman.*] What do you mean by "in favour of Boards of Trade"?—That there should be Councils of Conciliation, such as is proposed to the Committee, in that branch. I will refer to the umbrella and parasol branch, which

was

was placed in a very curious position on account of the competition. The large masters met with a committee of men, and formed a list of prices; that is a copy of the list, which has been carried out about five years—(*producing the same*) —and in those special branches of trade the measure acted exceedingly well; there is the price of each fabric according to the scale. That was in use for between two and three years; then one manufacturer made a reduction, and after application made to him by the workmen, and also by several of the masters, not to make the reduction, he persisted in it; and in consequence of that, the system was broken up; and there was also an arrangement of the same description in the velvet branch; I think it was about the year 1845. A deputation from the various silk manufacturers, in various parts of the country as well as in London, waited on the Board of Trade, in company with John Brocklehurst, Esq., M.P., for the very purpose for which the Committee are now inquiring, and they gave their opinion in favour of such a Board at that time. With regard to the Board of Conciliation which is sitting in Lyons, Mr. Brocklehurst now states, that out of 145,000 cases of dispute, 137,000 have been settled pleasantly between the masters and the men. Mr. Brocklehurst is one of the largest silk manufacturers, I believe, that there is in this country. In the year 1849, the attention of the silk trade was called to the consideration of the question, to draw up a plan to endeavour to form these Boards of Conciliation; a committee of workmen was appointed to do so; I have one of their resolutions here, in which they speak of the competition existing in the trade. They drew up the form of a proposed Bill for the purpose; these Bills were widely circulated in various districts of the country, among all the manufacturing classes in this and other trades, to see if they could not bring about something of the kind that is proposed.

1682. *Chairman.*] Was not the trade very much injured by the competition of French manufactures?—It was injured to some extent; but the home competition is much worse than the foreign competition which we have to contend with.

1683. Does not your competition at home arise from the influx of competition from abroad?—No, I think not, because if two manufacturers can pay a certain sum for manufacturing a certain description of velvet, certainly, another manufacturer can pay the same for the same amount of labour and the same description of fabric.

1684. Mr. *A. Pellatt.*] Provided they be of equally good quality?—Yes. The proposed Bill that I have just handed in was sent to the manufacturers. I have a list of the manufacturers who gave it as their decided opinion that it would be one of the best things that could be adopted for the trade.

1685. *Chairman.*] In short, you give it as your opinion that councils of conciliation would be desirable?—They would; both for masters and men.

1686. Have you turned your attention to the manner in which these councils are to be established?—We think that the manufacturers ought to elect a certain number, say six, and the journeymen ought also to elect six; and that they should be elected for 12 months, with some independent person as the chairman.

1687. The chairman should have a casting vote?—The chairman should have a casting vote.

1688. Do you think that such a council as that would have the effect of entirely stopping strikes, and satisfying the workmen?—Yes; I am perfectly satisfied that it would stop all strikes in the silk trade, because the silk trade generally, both masters and men, have been trying to obtain it.

1689. Mr. *A. Pellatt.*] Have the strikes in your trade been invariably for the purpose of obtaining an increase of wages?—Yes.

1690. Have there been any other causes for strikes?—No; I know of no other.

1691. *Chairman.*] Are you of opinion that these councils would answer for various other trades as well as the silk trade, or do you confine your observations to the silk trade?—My opinion is that they would be equally good for all trades.

1692. Sir *H. Halford.*] Is not your trade carried on in your own houses?—Yes.

1693. Are the looms at which you work your own property, or that of the masters?—They are our own property.

1694. What is the value of a loom?—It depends upon what description of work is going to be made upon it; some looms require to be made heavier than

Mr. *J. Howshan.*

15 April 1856.

others; they vary from about 1 *l.* to 30 *s.* each. Some require to be rather of a different form from others, and to be made stronger.

1695. Are you aware of the provisions of an Act passed some years ago, called the Ticket Act?—Yes.

1696. Is that acted upon in your trade?—In a few cases, but in very few.

1697. It is not generally required?—No, it is not generally required.

1698. Do you think that it may be generally dispensed with?—Yes; it may be dispensed with in a great measure.

1699. *Chairman.*] Does not it give satisfaction?—It is not required as between masters and men, generally speaking.

1700. Sir *H. Halford.*] Is there any middleman between you and the masters, or is the communication in your trade direct between the masters and the workmen?—The communication is direct between the masters and the workmen.

1701. There is no such thing as a middleman interfering between you?—There are a few cases where a man has such a thing as seven or eight looms in a manufactory, which he has engaged persons to work upon; but he pays the men the same prices as he receives from the master for making the silk; he charges the workmen so much for what is called quill-binding and loom-setting.

1702. Does he collect them into a shop?—All are in one shop.

1703. Are they young persons who work upon these looms?—Sometimes young persons are employed, and sometimes middle-aged men; there are no boys and girls employed in the trade.

1704. Does it require much skill?—Yes; it always requires skill; though I have been in it from my childhood, I still require to use skill.

1705. Have there been different patterns introduced?—Yes.

1706. Do the wages of the workmen vary in proportion to the skill which they display?—No; they have one price that is fixed, so much a yard; and the skilled workman has no profit above the one who is inferior. If I were to invent a new pattern and introduce it to the trade, my master and I might agree for a certain price for it; but as soon as it gets into the trade there are several masters of such an unprincipled disposition that they would get hold of that pattern, and would bring down the wages for making it; therefore, under the system of competition which now exists, there is no encouragement for a man to bring out new patterns.

1707. Will not the ability with which the work is done depend upon the skill of the workman?—Yes.

1708. So that the amount of wages would vary in reference to the skill of the workman; if the rapidity of the work is in proportion to the skill of the workman, will not the wages of a skilled workman be greater than those of an inferior workman?—Yes; the greater their skill the more they would get.

1709. Mr. *P. Urquhart.*] Has not your trade been very much injured by the competition of wholesale manufacturers?—Yes.

1710. Do the members of your trade remain stationary, or do they often remove to other places?—A very vast number of them leave. There were in 1824, 25,000 persons engaged in the trade; now, there are only 7,000 or 8,000 in London; but they are extended into the country.

1711. Does a weaver often bring up his son to his trade?—Not one child is so brought up. I have children of my own, but it is my intention, under the present circumstances, not to allow them to meddle with it, because it is starvation. A man must work hard, and be a skilled workman, to get 10 *s.* a week.

1712. *Chairman.*] Are the average wages of the workmen 10 *s.* a week?—The average wages in our trade are 6 *s.*, 7 *s.*, and 8 *s.* a week, according to the various branches of the trade.

1713. Mr. *P. Urquhart.*] Have the wages tended to decline?—They have gone down considerably; more than one-half in 20 years.

1714. Is not that owing to the competition with France?—No; it is mostly owing to home competition.

1715. In short, you think that it will soon altogether be swallowed up by the wholesale manufacturers?—It will soon be all in their hands, for the journeymen will leave it as fast as possible; in fact, many of my friends have left the country.

1716. Sir *H. Halford.*] Do you attribute the lowness of wages to competition among the masters, and not to competition among the workmen?—Yes.

1717. *Chairman.*]

1717. *Chairman.*] Is it your opinion that the trade will go down more and more?—It will, through the lowness of wages.

1718. Lord *J. Manners.*] Where are the goods manufactured that supply the place of your silks?—There are a great many manufactured in the country; they get them made in factories, and they get children into the factories.

1719. *Chairman.*] So that they do it more favourably?—No, we do not think it is more favourable in these branches.

1720. Lord *J. Manners.*] Would not some of those, who have been accustomed to make these fabrics, emigrate to the country districts, and there make the goods that are required?—No, they do not get more by so doing.

1721. You do not think that the amount of goods required in the country has diminished, but that the goods are made elsewhere by other people?—They are made by weavers in the country; from the competition that they meet with in the country manufactorres, and through the lowness of the wages that are paid, men are forced to work from five o'clock in the morning to eleven at night, Sunday included.

1722. Sir *H. Halford.*] Do you mean that they actually work on Sundays?—I do.

1723. Are they obliged to work on the Sunday in order to eke out their subsistence?—They are; and you will see one or two looms placed in a room of about 14 to 16 feet square, which serves one family for their workshop and their bed-room, and the whole of their domestic affairs.

1724. Is the manufacture of Spitalfields injured by the competition in the country?—No; I do not think it is.

1725. Is there no material difference between the rate of wages in the country and in the town?—No; there is no material difference as to the rate of wages.

1726. Is not the silk trade carried on very much in the north of England?—Yes; some goods come from the country, and we, in Spitalfields, send some goods down there; we are not injured in that way.

1727. Mr. *A. Pellatt.*] How much, under circumstances of the greatest industry, in a family of five or six children, they all being able to do something, could they earn per week?—If a man and his wife and five or six children all had looms, they might do a great deal; but that is not the case.

1728. How many looms could they work under such circumstances?—A child must be something like 15 or 16 years old before he could be taken into work, and then he could not earn more than 5*s.* or 6*s.* a week, because it would not do to entrust him with the finest descriptions of work.

1729. Do you know of any families under such circumstances?—I cannot say that I know of any families who have more than three looms in work belonging to one family.

1730. What would they earn if they had three looms at work?—With three looms they will not, upon the average, earn more than 1*l.* a week, because there is so much time lost in attending upon the warehouses, because when we go to the warehouse for what is termed our web, we generally lose nearly a day.

1731. Mr. *P. Urquhart.*] Is not a man much more his own master in your trade than in other trades; do not you get orders from the wholesale merchants?—We have the work from the master manufacturers, and perform our own part, and return it to them.

1732. Do you work for the master manufacturers?—Yes; we do not work for what is called the mercers, who sell to the retail shops, but for the manufacturers in Spital-square, in the City.

1733. You never take an order directly from the mercers?—No.

1734. Mr. *A. Pellatt.*] Do not the manufacturers advance to you weekly, when a piece is not finished, a certain amount of wages on account?—Yes; they give us so much on account. If a piece comes to 2*l.*, some will lend as much as 15*s.* Some will lend more; it is sometimes a month while a piece is being made.

1735. Mr. *Cobbett.*] You work for the masters who supply you with materials?—Yes; the masters supply everything except the tools; we find our own tools.

1736. You spoke just now of working on Sunday; do you mean to say that the weavers of Spitalfields are compelled to work on Sunday?—The majority of them are compelled to work on Sunday.

Mr. *J. Howshan.*

15 April 1856.

1737. If you were to walk through Spitalfields on Sunday, would you hear the shuttles going?—In the back streets you would, but perhaps not in Spitalfields itself.

1738. Are they prevented from going to church on Sunday by that means?—The majority of Spitalfields weavers do not like to go to church; they have not clothes to put on.

1739. Does that prevent them from going to church?—Yes; they dislike going; that is, I believe, the statement made by the ministers of the parish.

1740. Mr. *A. Pellatt.*] Do they know anything upon the subject of religion, except they have studied it themselves, or have heard it from the City missionaries, or from benevolent persons who have visited them?—No.

1741. Lord *J. Manners.*] When you went to the Board of Trade, and represented your views in favour of a Board of Conciliation, what occurred?—I was not present upon that occasion, and therefore I cannot give a decided answer. From what I have heard, I think it was said that the Board would take it into their consideration.

1742. Was this Bill drawn up in consequence of that answer?—Yes.

1743. Was it submitted to the Board of Trade?—No.

1744. Was it ever introduced into Parliament?—No, it never was introduced into Parliament. About the time that the Bill was drawn up by the journeymen weavers, there was a question, if my memory serves me right, in the House upon the subject, and the remark was made by several Members that they could not interfere with one trade alone, and therefore our trade thought it prudent to disseminate this Bill, as far as possible, through the different trades in the country; and this Bill has been circulated among the master manufacturers, and we have received the consent of a large majority of them to a plan of that description, which they think would be very beneficial to the trade.

1745. Mr. *Kinnaird.*] At the time when wages were so very much better, and when they were nearly double what they are at present, were the people in the habit of going to church on a Sunday?—More than they are now, according to my remembrance.

1746. Do you think that there is a deterioration in the habits of the people owing to the lowness of wages?—Yes.

1747. Sir *H. Halford.*] Have there been any improvements of late years in the machinery in your trade?—There have been wonderful improvements of late years.

1748. Have they affected the rapidity of the work?—They have affected the description of work that has been made; there is no machinery that will enable a man to make more; there have been improvements in the description of work.

1749. With regard to the patterns?—Yes.

1750. But still the expense of the looms is not greater than it used to be?—No, it is about the same.

1751. Have you anything else to state to the Committee?—There is only one remark which I wish to make, with regard to the Arbitration Act; one of my colleagues has had a great deal to do with the Arbitration Act, and he would like to state his opinion upon it, and the way in which the magistrates have treated it.

William Edward Forster, Esq., called in; and further Examined.

W. E. Forster, Esq.

1752. Viscount *Goderich.*] SINCE you gave evidence here the other day, have you examined the 5 & 6 Geo. 3, c. 96?—Yes, I have.

1753. Have you any suggestion to make to the Committee with regard to the improvement of that Act?—It has occurred to me, upon reading the 13th clause, that in the 13th clause there is power given to the magistrates to appoint arbitrators in cases of dispute with regard to present contracts, and also to arbitrate disputes about future contracts, provided both sides agree. The same power which is given for past contracts, whether both parties agree or not, seems to apply to future contracts, if both sides so agree; taking that to be the meaning of this 13th clause, it has struck me whether it would not be possible to enlarge this clause somewhat. I do not imagine that in any case of a great dispute between employers and operatives in the North of England, which is the only district I can speak to (such a dispute as the Preston strike,

strike, for example), either side would be likely to ask for, or to agree to, arbitration by the magistrates in the neighbourhood; but I think it is possible that they might agree to take the arbitration of a qualified man deputed from the Home Office; and the suggestion which I wished to make was, how far it would be desirable to enlarge this clause, so that if either side wished to do so, they should ask the other side to agree to such arbitration from a person deputed from the Home Office; and that in case the other side do not agree to this, then this further step might be taken, that the Home Office might still send this man down to report his opinion with regard to the merits of the question, without having any power to decide upon it. I think if something of that sort were done, it would go far to the settlement of these disputes. The result, it appears to me, would be this, that whichever side was in the right, or thought itself most in the right, would be likely to ask for arbitration, and the side that was in the wrong would very likely refuse it; but I do not think they would refuse it twice, because their refusal would put the public opinion of the country against them; and the public opinion of the country has much more power over these questions than it is generally supposed. In the great strikes which have lately happened, the press has been found to have a great deal of power.

W. E. Forster, Esq.
15 April 1856.

1754. Do I rightly understand you to suggest, that in case both parties agree to take the arbitration of this person sent down by Government, it should be final?—In case they agree to allow such person to arbitrate, his arbitration should then be final. If they do not agree, he should be sent down upon the demand of one of the parties, and should make a report, which should be made public.

1755. In that case you would look to the effect of that report acting upon public opinion?—Yes, I should.

1756. Lord *J. Manners.*] Why do you think that the report of a Commissioner, sent down expressly by the Government at the suggestion of one of the contending parties, would have any more effect upon the other party than the report of the Commissioner who is now from time to time sent down to inquire into quarrels that arise; for instance, in the case of Mr. Muggeridge, who was sent down to inquire into disputes existing between the masters and the men in the western counties of England, his reports have been published for some years, but his recommendations have not been carried into effect. Again, in the case of Mr. Tremenheere, who was sent down to the bleaching districts, his recommendations have not been carried into effect by the voluntary action of the contending parties; what reason have you for thinking that a Commissioner sent down from the Home Office, in the case you suppose, would have the power to carry the recommendation into effect in the way you have spoken of?—I was not aware that there had been any case in which there had been an actual dispute or strike, in which such a person had been sent down. I see a great deal of difference between the Home Office sending a man down to give a recommendation as to how the relations of masters and men should be generally arranged in a certain district, and the Home Office sending a man down to report upon any particular dispute which may occur. In the case of the Preston strike, or the engineers' strike, it was a definite question upon which both parties disagreed as completely as in a lawsuit. I think it is quite possible that in such case an opinion given by a qualified and impartial man might produce a great effect. At the same time, if any man were sent down to tell our workpeople and ourselves how we should act generally towards each other, we should neither of us probably pay much attention to his suggestions.

1757. Mr. Muggeridge's suggestion with reference to the points, if both parties were agreed, was, that they should be struck out; what would be the effect if they were struck out?—I think if you do so, you will have to carry on our business for us; that would be a final arbitration of future contracts, which seems to me to be totally out of the question.

James Pillans Wilson, Esq., called in; and Examined.

1758. *Chairman.*] ARE you superintendent of the works of Price's Candle Company?—I am one of the managing directors of Price's Candle Company.

J. P. Wilson, Esq.

1759. Is that an extensive concern?—We have about 2,000 people in all.

1760. What is your chief branch of work?—Making candles.

1761. From what do you make them?—Palm oil.

J. P. Wilson, Esq.

15 April 1856.

1762. Do you make them from grease?—Occasionally, when the price is nearly as low as that of palm oil.

1763. Your process is a new invention, is not it?—It has been going on gradually for many years; there have been several new inventions coming in from time to time; the manufactory has existed for 26 years for making candles; but it was only on a small scale in the earlier years.

1764. Is the cocoa-nut oil used for palm oil?—The cocoa-nut oil was used alone at first; afterwards tallow began to be used also; and at a still later date, about eleven years ago, palm oil; now the chief ingredients of our manufactory are cocoa-nut oil and palm oil.

1765. How long have you been managing director of the works at Vauxhall?—The company only began in 1847; I have been managing director from that time; I have been in the works since 1835.

1766. Viscount *Goderich.*] Are you aware of the object for which this Committee has been appointed?—It is for the purpose of finding some method of settling disputes between masters and men.

1767. Have you heard any of the evidence which has been given before this Committee?—Only to-day; I have heard all the evidence which has been given to-day.

1768. Have you any remarks to make with regard to that evidence?—It has struck me, that all the evidence has been strongly in favour of having some mode of settling disputes, but that the witnesses did not come to the point of what they were to settle. It struck me, that all the questions pointed at last to the settlement of some matters of wages by Act of Parliament, which must be an impossibility. When I came here I was very unwilling to be examined, feeling that I had not read about the subject at all; but I am very glad to be called to speak upon that point. The evidence did certainly all tend to the settlement of wages by Act of Parliament.

1769. Which you conceive to be impossible?—Quite impossible.

1770. *Chairman.*] The object of the Committee is not to interfere with wages at all, but only to conciliate between the masters and the employed, and prevent strikes and bad feeling?—Strikes always originate in wages; it is always a question of wages which gives rise to a strike.

1771. Viscount *Goderich.*] Are the Committee then to understand that you think that no form of arbitration could be used with reference to disputes about wages?—No form of arbitration, except by the consent of both parties; no Government Board could enforce their opinion about the question of wages between masters and men.

1772. Supposing both parties to consent to refer their case to arbitration, do you think it would be possible that the arbitration should be binding?—Yes; with regard to the recommendation of Mr. Forster to have some independent person who might be called in, I do not know in the least whether that would work in practice; if it would, of course it would be good.

1773. You have no objection to that?—No, not in the least; only a member of the Committee mentioned its having failed in certain cases.

1774. Mr. *L. Gower.*] Mr. Forster seemed to think that one party might call this power into action; do you think that that would be desirable, or that it should only be called in when both parties concur in desiring its aid?—It would be desirable, as putting the other party in the wrong; and the party who wanted the arbitration would then have the press with him.

1775. Viscount *Goderich.*] Do you think that that would be preferable to the establishment of permanent boards, consisting partly of masters and partly of men, and sitting from time to time to decide disputes of this nature, with no power except what is given to them by the voluntary consent of both parties?—I am not competent to speak to that; you must ask those acquainted with the districts where strikes occur; my evidence would be worthless upon that point.

1776. Have you had any strikes in your factory?—No; never.

1777. Has not your Company done its utmost to promote the good of the men engaged in their works?—They have done a good deal.

1778 *Chairman.*] What has been your mode of promoting their good, and preventing strikes?—We have never had the prevention of strikes specially in view.

1779. Mr. *Kinnaird.*] Have you never had any difference between your workmen and yourselves?—Differences of opinion have many times occurred as to the rates of wages, but there never have been any in which the men were not satisfied at last.

1780. Will you tell us how you have dealt with those cases when there have been differences of opinion as to wages?—Most likely they would understand the matter perfectly through their foreman; or if they thought that the foreman was not taking the proper view of the case, they would come to my brother, who is the managing director, who has charge of the factory, and state it to him. I never knew a case in which they were not satisfied with the decision at last.

1781. Mr. *A. Pellatt.*] Do you know of any other establishments similar to your own, where there have been any disputes about wages?—No; I never heard of a strike in any candle factory.

1782. Is the work in your factory the same as in other factories?—Our mode of working is not like any other.

1783. Your factory is for pressing from fatty matters the oleagenous property, and mixing it with the stearine in the candles; are there not other factories of the same nature in London?—The pressing is only a small part of the work, and is done by labourers at so much a day; therefore the wages for the pressing depend on the general question of a labourer's day pay in London; other parts of the work are paid for as piece-work, and it is in them that differences about wages occur.

1784. Have you any opinion as to workmen and masters forming a Board of Arbitration selected on every occasion when a dispute arises?—I do not know enough upon the subject to enable me to speak to that.

1785. Mr. *Kinnaird.*] How many men do your company employ altogether?—They employ 2,000 men, boys and girls.

1786. Do you consider it your duty, not merely to consider matters of wages, but to consider the families of your workmen?—Yes.

1787. You have schools, have you not, on your premises?—Yes.

1788. And when your boys are not engaged in work, are they not in school?—Yes, the younger boys go back to the school when work slackens in the factory.

1789. Do you not generally, in giving employment to boys, give the advantage to the children of the men employed in your factory?—Yes, a well-conducted man will have his children employed in preference to others.

1790. Mr. *P. Urquhart.*] Is it your experience, from what you have seen of workmen, that where a reduction of wages is necessary in order that the business should be carried on, they would generally submit to it without a strike?—As far as my experience enables me to judge they invariably would; I am sure that if we had to tell our men that we had to lower their wages, and laid the reasons before them, and put the matter to themselves, every hand would be held up in consent to the reduction.

1791. Sir *H. Halford.*] Your business is not affected by competition with other factories?—No, it is not.

Mr. *George Ferdinand*, called in; and Examined.

1792. *Chairman.*] WHAT is your occupation?—I am a Spitalfields Silk-weaver.

1793. Have you ever had an opportunity of judging of the effect of strikes among workmen?—I have.

1794. Will you state to the Committee what are the causes of strikes generally, in your opinion?—The principal cause of strikes is the reduction of wages when the workmen think there is no necessity for any reduction; often they know that there is no necessity for a reduction of wages, and they are very dissatisfied. In these cases the workmen wait upon the masters in a deputation, and the answer often is, "If you can get Mr. So-and-so to pay such a price (which is the same price which the men require) I will do the same." It turns out that the other manufacturers are not inclined to do anything of the sort, and therefore the master says, "I cannot do so unless my neighbour pays a better price." In most cases the men hold out for some time, till at last they are forced to give in; the effect upon them is, in most cases, very disastrous; it reduces them very low; it is no advantage to the manufacturers, and does injury to the men.

1795. Can you suggest any remedy for that evil?—I think that the establishment of equitable Boards of Conciliation between the masters and the workmen would have the effect of preventing future strikes and of settling all disputes; for instance, I was engaged with the workmen in getting up a Bill for local Boards; I served each and every manufacturer with a copy myself, and the majority of them seemed well satisfied with such a scheme. I have also seen several

Mr. *G. Ferdinand.*

15 April 1856.

manufacturers within this last month since the Committee has been sitting, and such as I have seen approved of it; the most respectable houses approved of such a scheme for equitable Boards of Conciliation, and I have no doubt, from my experience in the silk trade, they would work well in the silk trade, and in all other trades in the United Kingdom.

1796. Would you agree in the opinion expressed by a former witness, Mr. Forster, that any Board of Conciliation can or ought to decide about wages?—I think it a most important thing that the men should form something like a minimum rate of wages. If six operatives and six master manufacturers were sitting, the same as a coroner might sit upon an inquest, they might discuss the price paid and the relative rates of work. In the silk trade there is a great variety; there are occasionally new fabrics introduced; within this last three or four years there has been an entirely new fabric introduced, called ribbon velvet; it has been made upon the continent for some years past, but of late it has been made in Spitalfields to a considerable extent. Some manufacturers have 200 workmen employed upon it; I am making it myself; some of these fabrics are very beautiful, and require a great deal of skill. Now I consider that there ought to be something like an understanding between the masters and the men in the trade generally as to what price should be paid for this work, because it is merely those who are engaged in it that know the relative merits of this description of work, and I consider that we ought to have a price paid by which the man could live by his labour according to his skill, and also the manufacturer upon the outlay of his capital.

1797. How do you meet the objection which has been made by some witnesses against Boards of Conciliation, that a man's labour being his property, nobody has a right to compel him to give his labour at a high price or a low price, as he is the best judge himself of his own labour and the worth of it?—If there were six of each side sitting on the Board, the manufacturer understands the manufacturing department and the value of his materials, and the journeyman understands the relative amount of labour required, and what he should receive for it. For this reason, I think that if there were a Board sitting, we should soon have some amicable arrangement, and I think every Board ought to sit and consider the price that should be paid to the workmen.

1798. Would that satisfy the operatives?—I believe it would.

1799. Supposing that such a Board of Conciliation as has been proposed, of so many masters and so many workmen, were to fix the maximum or minimum of wages, do you think it would be satisfactory to the rest of the trade?—I am certain of it. I well recollect the repeal of the Spitalfields Act. I had some knowledge of the trade previous to the repeal of that Act. I believe previous to the repeal of the Spitalfields Act they were contented. I can prove that they were in comparative comfort, as operatives, and I have always understood that they considered so. I am sure, at the time they lost it, they considered that every one was going on comfortably; but that has been entirely lost, because there are men in the silk trade whom I term unprincipled manufacturers, who are willing to take advantage of any slack times in the men's wages. When there was the universal price paid, a more honourable manufacturer could manufacture goods, and could keep stock by him, because he knew that his neighbour could not undersell him. For that reason large bodies of men were kept in employment, whereas now, in slack times, the more honourable manufacturer is the first to discharge his men, because he is afraid of his neighbour getting cheap labour and underselling him in the market.

1800. Then your opinion is different from the general opinion, which is, that it is best to leave these things free?—It may be thought by persons who have a fixed income, that everything should be free; but I do not think that the workmen who work from day to day upon piecework, or daily wages, consider that everything should be freed.

1801. Do not you think that if the former Act, the repeal of which has injured your community so much, were in force, the price of silk would be much higher than it is now, and consequently that so great a sale would not have taken place?—If that Act was in being at this moment, I do not suppose there would be any silk-weaving at Spitalfields, in consequence of foreign competition. We have been materially injured by foreign competition, because we generally find that the most beautiful and expensive fabrics are brought from abroad.

1802. Does not it strike you, that the repeal of this Act was necessary, to enable

enable you to enter into competition with foreign manufacturers?—Under the existing circumstances at the time, no doubt it was necessary, taking into consideration the great commercial changes that we were about to undergo.

1803. Viscount *Goderich.*] Do you suppose that these Councils of Conciliation could draw up and settle a list of prices?—I have no doubt that the workmen and the masters would amicably agree as to what prices should be paid for each description of work in their respective trades. As I have stated before, there is a great quantity of work going on, both in the city and in Spitalfields, and if there were a council composed of six of each side, they perfectly understanding the case, as to the relative value of the labour and of the material, would draw up a list, and would agree very well about it.

1804. Supposing that any individual master or man were not willing to submit to the tariff, would you propose that it should be compulsory?—I would propose that the majority should rule the minority.

1805. You have spoken of the council being formed of six masters and six men, would you suggest that there should be any chairman or president of the council?—Yes, certainly; there should be an independent chairman.

1806. Should he be a magistrate?—By no means.

1807. How would you suggest that he should be appointed?—I should suggest that he should be appointed similarly to a coroner, and that for each and every sitting he should be paid a certain amount.

1808. By whom should he be selected?—I should say by the Government, or the Board of Trade.

1809. Do you think that the masters and the workmen would be content that the decision of the majority of such a Court should be made compulsory in all cases?—I do.

1810. *Chairman.*] Supposing you had six workmen on one side as members of the Council of Conciliation, and six masters on the other side as members of the Council of Conciliation, and that you had a chairman with a casting vote, and supposing that there was a resolution come to, which was voted by the six masters and by the chairman, that wages should be only so much, and the six delegates of the workmen were not of that opinion, do you think in that case it would be obeyed by the operatives at large?—Yes, I believe it would. The chairman, of course, would have a casting vote in the matter, and I believe they would be satisfied either for good or bad, so long as they had a rate of wages, and all the manufacturers were compelled to pay alike; it would prevent a great deal of home competition which we suffer most from; we suffer both from home and foreign competition.

1811. Viscount *Goderich.*] Is not the great object that you have in the establishment of these Courts that there should be a tariff of wages fixed from time to time?—Just so.

1812. Mr. *Cobbett.*] Do not you think that such a compulsory interference with wages might drive capital out of the trade?—No, I believe not, for this reason, that if there was a regular price paid throughout the whole trade for each and every description of fabric, there would remain as much, if not more, capital in circulation in the silk trade as there is at the present time.

1813. You do not think that capital goes where freedom exists?—I believe it depends upon circumstances.

1814. Lord *J. Manners.*] You have freedom now in Spitalfields; do you find much capital come in to you?—Our manufacturers are very rich.

1815. Is there much fresh capital coming in?—In the silk trade there should be a considerable quantity of capital coming in to Spitalfields; but there are a great number of manufactories in the city of London as well as in Spitalfields. The best fabrics are made by the manufacturers of the city. In Spitalfields, generally, there is an inferior description of article than in the city; though they may be all termed Spitalfields goods.

1816. Mr. *Cobbett.*] Is the work all made in Spitalfields?—Principally so. and its vicinity; Bethnal-green and Spitalfields.

1817. Mr. *P. Urquhart.*] You said just now, that since the repeal of the Spitalfields Act the condition of the workmen has been deteriorated; did not the Spitalfields Act establish a minimum of wages?—It established a maximum.

1818. Did it not enact that no master should pay less than a certain sum?—That they should all pay alike.

1819. If this Act had continued to exist, is not it possible that the trade

Mr. *G. Ferdinand.*

15 April 1856.

would have ceased at Spitalfields?—I believe it would: but the establishment of an equitable Board would have remedied the evil.

1820. If this Spitalfields Act which was repealed had continued to exist, would not the trade have left Spitalfields altogether?—I believe it would, and have gone into the country.

1821. Mr. *A. Pellatt.*] How many workmen are there in Spitalfields now?—I think 8,000 or 10,000, including the City and Spitalfields, altogether.

1822. Of those 8,000 or 10,000, what proportion are there in Spitalfields?—There is a smaller proportion of them in Spitalfields than there was 30 years since.

1823. Mr. *Cobbett.*] Do not you mean that the manufacturers live in the City?—Yes, they have their warehouses in the City.

1824. And the workmen live at Spitalfields?—And the workmen live at Spitalfields and Bethnal-green.

1825. Mr. *A. Pellatt.*] Are you working alone, or with your wife and family?—I am working alone; I have had two looms, but my family have left the trade.

1826. You do superior work?—I am manufacturing a description of velvet; this ribbon velvet is a new description of article altogether.

1827. Do not you get more wages for that than for the ordinary description of work?—We get at present more wages than is received for fabrics made generally.

1828. How much do you get, on the average, per week?—On the average I do not earn more than 10 *s.* a week, because I have a great deal of lost time.

1829. *Chairman.*] Do you think that such Councils as have been proposed would be perfectly satisfactory to your fellow-workmen?—I am sure of it, from my endeavouring to make it known as much as possible among my fellow-workmen, and from the conversations I have had with different manufacturers. I believe it would give perfect satisfaction in the silk trade; and I have also had conversations with men employed in other trades, shoemakers, tailors, and some engineers, and they seem to approve of it. I think it would act well for each and every trade throughout the United Kingdom.

1830. A former witness has stated that operatives dislike very much any one appointed by the Government; do you coincide with that opinion?—I have no objection to any one appointed by the Government, provided they act discretionarily, according to a wise discretion in the matter.

1831. Are you acquainted with the Act which, if there is any dispute between the masters and the men, enables them to refer it to a magistrate?—Yes, it is the 5th of Geo. 4, c. 96.

1832. Are you of opinion that that is not sufficient for the satisfaction of the workmen?—In a case where a dispute arises between a workman and a master respecting wages, if the workman applies to a magistrate, and has a summons granted, it is generally a week before the summons is heard; the delay and the expense of that is very great; I have known some cases to last six or eight weeks before the man gets his wages, and he has not any compensation for loss of time.

1833. You think it is injurious to the workman?—I think the magistrate does not understand it sufficiently, or he will not understand it; for in many cases he will refer the case to the court officer or the policeman to get some information about it, and set on one side the decision of the arbitrator, or person connected with the matter.

1834. Viscount *Goderich.*] In the arbitrations to which you have just alluded, cases have been applied for under this Act?—Yes.

1835. Who are the arbitrators appointed in those cases?—There are three names given in on each side; the magistrate chooses one from each, and they hold a sort of court and hear witnesses; and upon the showing of the arbitrator, the magistrate is bound to decide; but in some cases the magistrate uses a discretionary power.

1836. Can you state to the Committee how many cases you have known to be tried under the Act?—I should say I have known within this last five years as many as six or eight. There was one case of a workman in which the magistrate, I believe, awarded to the man 9 *l.* 7 *s.* for loss of time, in consequence of the bad description of material given to him; but that is a very rare case.

1837. In your opinion the working of this Act is not satisfactory?—It is not satisfactory

satisfactory in settling the disputes; but an equitable Board would settle the price to be agreed upon by the masters in the trade.

1838. *Chairman.*] And you would have the advantage of public opinion on the side of the decision?—Just so.

1839. Lord *J. Manners.*] Have all those cases which have been referred to, been brought before the magistrate's court?—Certainly.

1840. Have they been brought to the Court at Worship-street?—Yes, because it is in the vicinity. There is very rarely a case occurs with a City manufacturer; in case there should be, there is more despatch of business; for instance, if a summons is taken out on Saturday, on Tuesday the case will be heard, and despatched much quicker than it is at Worship-street.

1841. Mr. *A. Pellatt.*] In what way do you think that Act could be amended, so as to make it useful?—I have not considered that question.

1842. Does not it go a great way towards the point that is desired?—It goes a great way towards the point desired, but I have not taken that matter into consideration.

1843. Viscount *Goderich.*] Do you propose that these tribunals should be permanent, and that they should always settle the price of labour?—Yes; they should be permanent; whether the representatives of that Board should be elected annually or not, I do not know.

1844. The Board should always exist?—Just so.

1845. *Chairman.*] Do you agree with the former witness, that they ought to last one year, or have you formed any other opinion?—I think one year would be quite sufficient for six operatives or six manufacturers to represent the trade; there might be the same men elected again.

1846. Will you state to the Committee your idea as to what would be the most satisfactory manner in which such a committee of conciliation could be established; of how many it should be composed, and how they should be selected?—As I have before stated, I think six on each side would be quite sufficient; six masters and six workmen, and an independent chairman, would be quite sufficient to constitute a Board.

1847. How long should that tribunal last?—Perhaps twelve months; and the same parties might be re-elected.

1848. How far would you extend the power of such a Board with regard to settling wages or prices?—It should go so far that, whatever complaint might arise between masters and workmen, the Board should hear and determine it, and their decision should be final.

1849. Mr. *L. Gower.*] Do you mean to say, if they were to decide that a workman were to receive such a sum per week, the workman should be bound to work for such a sum, whether he would or not?—If the majority decided so, the minority must bow to it.

1850. *Chairman.*] Do you think they would be satisfied with it?—If it were settled by the whole they ought; because no advantage could be taken of it.

1851. Lord *J. Manners.*] In short, you approve of the provisions of the Bill prepared by the silk weavers, and you think it would give satisfaction to the operatives and to the majority of the masters and men?—I believe it would.

1852. *Chairman.*] Do you think that a Council of Conciliation, established as you mention, ought to extend to other trades, or ought to be confined to one trade?—I should say it should extend to each and every trade throughout the kingdom.

1853. Do you think that a separate Board should be established for every trade?—Every trade should establish one for themselves: tailors, shoemakers, engineers, or whatever they might be, should each and every one have their own Council.

1854. Would there not be great difficulty in procuring chairmen for so many Councils of Arbitration?—I am not aware of it; but at the same time I consider that our trade could not interfere or legislate in any way whatever for the shoemakers, or the tailors or the carpenters.

1855. Mr. *A. Pellatt.*] Would not one chairman suit all the Boards?—As I said before, perhaps he might act in the sme way as a Coroner, and go from place to place.

1856. Mr. *Leveson Gower.*] Suppose that the master were to refuse to give the price settled by this Council, and were to shut up his manufactory, and that the men, in consequence of that, were ready to receive less wages than had been

Mr. *G. Ferdinand.*

15 April 1856.

so settled, would that be allowable?—If the law had made it final; when the council had decided that a certain rate of wages should be paid, if a man chooses to shut up his manufactory, in my opinion some one would soon open one in its place, and employ the men.

1857. Suppose that the masters were ready to give themselves wages, and the men were ready to accept them, should they be allowed to do so by law?—I should say, that they should not be allowed to do so.

1858. Lord *J. Manners.*] Practically speaking, have you any knowledge of such being the case in your trade previously to the year 1824, when there was a law regulating the wages and prohibiting a lower rate of wages being charged than the law said ought to be given; has any case arisen within your knowledge such as is suggested by the question?—I do not remember that such an occurrence ever took place; there was, in some part of the country, something like 40 or 50 miles from London, a manufactory, and a man in the City sent his fabrics and had them manufactured there, because the Spitalfields Act extended to Middlesex only, and they were manufactured there at a lower rate of wages, but upon the whole they did not give satisfaction; whether at the end of that time the trade got into the north of England, or whether that is since the repeal of the Act, I am not certain.

1859. Sir *H. Halford.*] At what time did the silk manufacture in the north of England arise?—I cannot exactly speak to that.

1860. Is it not probable that the Act was frustrated by the competition in the north of England?—Probably that was the case.

1861. Mr. *A. Pellatt.*] Was the effect of that Act to drive a large portion of the trade out of London?—I believe not.

1862. Did not you say that the manufacturers went beyond the area of the city of London?—Yes, but I do not think that was in consequence of the Act.

1863. But for this Act, would not they have manufactured their goods in London?—There might be some cases of that sort.

1864. Is it your opinion that the trade has fallen off since the Act which related to it has been repealed?—It has fallen off from London to the country, and also great quantities of men have been thrown out of employment in consequence of the introduction of foreign silks.

1865. Do not you think that the repeal of this Act was rendered necessary by the competition of foreign manufactures?—There is no doubt of it, to some extent; but under the Spitalfields Act there was an entire prohibition put upon foreign silks.

1866. Sir *H. Halford.*] Did that prohibition extend to the north of England?—No, certainly not; but it kept the foreign manufactured goods out of England, and the people of this country had the work of this country; that is to say, whatever silk goods were required our people manufactured them instead of foreigners.

1867. *Chairman.*] Is it not your opinion that your trade labours under many disadvantages at present from the fact that the manufacturers abroad can obtain labour more cheaply, and have the advantage of climate, and can obtain the raw produce more cheaply than you can?—Yes, I believe that the manufacturers at Lyons and upon the Continent generally have the advantage over us, because they grow a great deal of raw material, and they can have the finest and best description of material; no doubt there is a great advantage to be derived from that source.

1868. Is it your impression that your trade will continue to deteriorate in London?—I believe that if there were an establishment that should fix the rate of wages, it would be the means of bringing back a great deal of the trade in different parts of the country to London.

1869. You think that the establishment of such councils as you have been recommending to the Legislature would be the means of the re-establishment of the silkweavers' trade in London?—To a great extent.

1870. Mr. *L. Gower.*] Is it the fact that the establishment of these councils is desired by the working men?—They are desired very much, because if there were a universal rate of wages there would be a general understanding on the part of all the parties engaged in the trade.

1871. Sir *H. Halford.*] Do you think that, with a minimum rate of wages, the trade could stand against foreign competition?—The minimum rate of wages will

will not alter the importation of foreign silks, as that depends altogether, I suppose, upon the prices that they would be able to bring them in at.

1872. Would not your trade run the risk of being entirely destroyed by the importation of foreign goods?—I think not; for this reason, that the manufacturers would understand the question, and the operatives would endeavour to make themselves somewhat conversant with the question, and in the end they would establish a fair rate of wages, so as to be able to keep out the foreigners.

1873. *Chairman.*] Do you think that a particular rate of wages would undersell foreign produce?—I will explain my meaning by an instance: at present there is a difference of 1 *s.* in the price being paid for the same description of fabric, by different masters; many of these fabrics are not made abroad, and indeed I doubt whether they could bring them in at the prices for which we could manufacture them at Spitalfields.

1874. Sir *H. Halford.*] Was that a peculiar description of manufacture?—There are a great quantity of velvet and a great quantity of umbrella silks that are not made abroad, or at least they are not entered in the Government returns as coming from abroad.

1875. How do you account for that?—I believe we can manufacture them cheaper than we can get them from abroad.

1876. *Chairman.*] Can you undersell them?—I believe we can; it is my opinion that we can.

1877. Sir *H. Halford.*] How is that?—There is a certain quality of silk manufactured, called umbrella and parasol silks; they are a cheaper description of silks than the rich satins worn by ladies; and the gauzes and crape goods, which were formerly manufactured in Spitalfields, which require a finer material, when they were brought from abroad it threw out a great quantity of labour in Spitalfields and its vicinity; now other coarser descriptions of velvet goods are manufactured in Spitalfields; part of the warp is of cotton; there is a woof of silk.

1878. The goods you speak of are mixed goods?—Mixed goods, made partly of cotton and partly of silk.

1879. In the manufacture of these the English manufacturer has an advantage over the foreigner?—Decidedly so.

1880. *Chairman.*] What is the cause of that advantage?—For the reason just stated, that they consist of a portion of cotton, whereas the foreign goods are principally all silk.

1881. The quality is different?—Yes, but it is not perceived by the buyer; no lady could tell if she went to purchase a piece of silk velvet whether there was any cotton in it.

1882. Is not that a sort of fraud upon the purchaser?—I believe it must be to an extent; it is sold for silk velvet, and it is silk velvet at the top, and the groundwork, the warp, is cotton; but there is an advantage in the cotton made in this country; the cotton is got up to such a beautiful state, that it resembles silk very nearly.

1883. Mr. *L. Gower.*] Would it last as long as silk?—I believe it will wear longer.

1884. That is only your judgment?—Yes.

1885. Mr. *A. Pellatt.*] Was not that description of goods first introduced in England?—Yes, it was introduced in England, and first used in England.

1886. After a great deal of practice?—Yes.

1887. That practice gave you a great advantage over the foreigner?—Just so.

1888. That is the reason why it is cheaper than the other description of articles?—Yes.

1889. Mr. *P. Urquhart.*] If you established a minimum of wages, do you think that it ought to be higher than the average wages prevailing now?—It has been stated that there is a disparity of 1 *s.* a yard between different employers; supposing the Board were to establish a rate of wages, I would suggest that the wages of the best paying masters, that is, if one man is paying 3 *s.* a yard for a certain description of work, whereas another pays 2 *s.* a yard, the Board should bring up the price universally to 3 *s.*; that would give general satisfaction altogether, and would establish an amicable feeling on the part of all parties.

Jovis, 17° die Aprilis, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Wise.
Sir Henry Halford.	Mr. Apsley Pellatt.
Viscount Duncan.	Mr. Ingham.
Mr. Leveson Gower.	Mr. Booker Blakemore.
Mr. Pollard Urquhart.	Mr. Kinnaird.
Mr. Lowe.	Mr. Cobbett.
Lord John Manners.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Samuel Higginbotham, Esquire, called in; and Examined.

S. Higginbotham, Esq.

17 April 1856.

1890. *Chairman.*] WILL you have the kindness to state to the Committee what position you hold?—I am by profession a solicitor, and reside at Macclesfield.

1891. Have you been engaged in Macclesfield in reference to any differences that have taken place between the masters and workmen?—In the early part of 1849 there was a very disastrous turn out in the silk trade between the masters and the men. I had had experience as to the sad consequences of strikes previously, as in the year 1816. A deputation from the masters and the men waited upon me to know whether I would undertake the office of chairman of a Board to be established, somewhat on the principle of the Conseils des Prud'hommes. It was to be composed of 12 masters on the one side, and 12 men on the other; and, supposing that there should be a difference of opinion, the chairman, who was to be independent of trade, to have a casting vote that should be decisive upon the question; I felt some reluctance in complying with their requests, anticipating a good deal of trouble, but my experience of the lamentable consequences of former strikes induced me, as a question of humanity, to say that I would do so.

1892. Will you state what took place upon that?—Subsequently I was introduced to the meeting, and it was agreed that there should be a meeting at Macclesfield Town Hall a few days subsequently, at which various rules and regulations to guide the Board should be agreed upon; those rules and regulations I hold in my hand. The consequence of that decision was, that we met from month to month for a series of months, to adjust a series of tariffs as to the prices to be paid for the various fabrics manufactured in the silk trade. As you may suppose, during the progress of the Board there were several cases of what we call locks, and I had to give the casting vote sometimes on the masters' side, and sometimes on the workmen's side, and upon no one occasion that I can bring to my recollection was there any offensive remark, or any remark that one might feel hurt at, with one exception; that was the case of the broad silk goods. I believe, that in Lancashire at that time of day, ducapes and gros-de-naples were being woven at the price, I think, of 4 *d.* or 5 *d.* a yard less than what was paid at Macclesfield; the consequence was, that the trade could not be carried on with profit to the manufacturer upon those terms, and I think the subject was discussed two or three times. This was the argument on the part of the men; they said, "If you reduce us to the Manchester price to-day, they will reduce again, and then we shall be brought down to the starving point." The masters on the other hand said, that there ought to be some reasonable reduction, and I certainly acquiesced in that view; I thought that there ought to be a reduction, not to the extent of the Manchester price, because we gave the men credit for the fact, that the masters would be at the expense of having an establishment,

establishment in Lancashire, and the expense of transit. I gave the men the advantage of that, and we came to a vote, which was not satisfactory to the men; and there was an observation made upon going out, which somewhat concerned me as the chairman; and upon a subsequent meeting, I said, "Gentlemen, if these observations are repeated, as I have no object in being chairman but to serve you, I will not remain in the position of chairman." But with this one exception, we have had no sort of ill-feeling during the whole existence of the Board; and I must say that the men exhibited an amount of acumen and talent which those who are inexperienced as to any communication with them, would be surprised at.

S. Higginbotham, Esq.

17 April 1856.

1893. Was this arrangement satisfactory, and did it prevent many strikes?—Yes; I believe that I may say upon the authority of the masters, that during the time when the regulations of this Board were *bonâ fide* carried out, more than one strike was prevented. It existed, I think, up to about April in the following year; but in the spring the trade was bad, and the consequence was, that the manufacturers went beyond our sphere of action, which comprehended the boundaries co-extensive with the parish of Prestbury. The masters sent their goods into Lancashire, and of course their neighbours, who were employing men according to the tariff that had been agreed upon, were obliged to follow their example; I may say, that that was the upsetting of the Board.

1894. Their going beyond your limits was the cause of your body being dissolved?—Yes; but as far as I individually was concerned with the matter, I felt myself at the termination of my duties complimented and honoured, by having a large silver salver presented to me by the masters and the workmen, who collected the money together; and I was richly paid for my trouble, which had not been small.

1895. In your opinion did this arrangement entirely prevent any strike taking place?—I can only say that during the time it existed there were no strikes.

1896. Viscount *Duncan.*] How long did it exist?—About 12 months.

1897. *Chairman.*] As this arrangement was so satisfactory for 12 months, why was not it continued subsequently, in order to prevent the possibility of strikes in future?—The masters saw that in Lancashire they could get the goods weaved for less than they could in Macclesfield, and they took the advantage, and were not able to come into the market with the Manchester men, whom they would not have been able to compete with, unless they had paid the Manchester price.

1898. Lord *J. Manners*]. Did any of the manufacturers in Macclesfield give a lower rate of wages than had been agreed upon by the tariff?—Yes, certainly they did; that was the reason why we broke up; we found, certainly, that there was not *bona fides*, either on the part of the masters or the men.

1899. Mr. *Lowe.*] The result of your experience was, that the plan of settling wages by arbitration does not answer?—If the masters and the men had been true to the arrangements which they had entered into, it would have answered, and for a time it did; but then, as I must candidly say, the master, seeing that his goods were met by the Manchester men in the market, was not true to his agreement; and then the man, sooner than be at starvation point (half a loaf of bread was better than no bread), was not true to his agreement.

1900. Is not the effect of your evidence this, that as soon as the interests of the masters and the men became inconsistent with your award, it ceased to be operative?—It ceased to be operative as soon as they did not act in unison.

1901. And they did not act in unison because it was not their interest, or they did not think it to be their interest to do so?—I suppose that would be the inference which most men would draw.

1902. Does not this inference follow, that so long as the interests of masters and men are at one, these tribunals of arbitration will be unnecessary, and that as soon as they vary they will be inefficient?—I should say most certainly, unless there be a compulsory authority beyond the mere will of the manufacturers or the men; the consequence would be that they must be upset.

1903. Mr. *P. Urquhart.*] If the tribunals had had this authority, and those arbitrations had been binding in consequence of this authority, perhaps it might not have ended by driving the trade out of Macclesfield?—Not if the same authority exists with regard to other neighbourhoods; the trade is driven out of Macclesfield now, because there are other men who say, "We want a certain

S. Higginbotham, Esq.

17 April 1856.

price, and the masters are able to get it woven in Lancashire, at Leigh and Middleton, for an inferior price.

1904. If the masters had been obliged to pay the men higher wages in Macclesfield than the Manchester and the other Lancashire masters paid, must not your trade ultimately have left Macclesfield?—The Manchester men were at an advantage.

1905. Mr. *Lowe.*] Do you think that it would be a good thing to have tribunals with compulsory powers for this purpose?—I should not like to answer that question; I do not come here to defend any particular theory; I have acted as the chairman of this Board, and I can only give an opinion as to what were the results of it during its existence.

1906. Viscount *Duncan.*] Who appointed the chairman of that Board?—Both the masters and the men; I was appointed by the unanimous voice of both, and I may say, that during the whole time that I occupied the post, I believe I had the full confidence of both masters and men.

1907. Mr. *A. Pellatt.*] Your judgment merely affected Macclesfield?—Certainly; and there was the great defect.

1908. Supposing it were possible to give the power of exercising the same judgment over every branch of trade in England, then your authority would have been more influential?—That was the opinion that we entertained at the time.

1909. Unless you could control every shop in the trade, as well as the disputes between the particular masters and men in a special district, you could not prevent the evils which have taken place in this case?—No, we could not.

1910. And even if you could do that, you would have foreign countries to compete with you?—Certainly; of course any regulation that we could make would be circumscribed by the kingdom. If we had to compete with other countries, your argument was valid.

1911. You know of no measure that would enable you to re-establish the same advantages which, for a certain period, took place in Macclesfield?—I do not.

1912. Mr. *L. Gower.*] How came it that when fresh disputes arose in the trade there was not a second reference to you or to those who had decided the former disputes?—There was a reference to me, but I had no legal authority to enforce the compliance with my decision; they snapped their fingers at my authority and that of the Board, and they went into Lancashire and got their goods woven at a less price there.

1913. Lord *J. Manners.*] Besides the master manufacturers who, as you say, went into Lancashire and got their goods made at a lower price than the tariff authorised, were there any master manufacturers who gave lower wages in Macclesfield?—I have heard that there were; and as the chairman of the Board, I may say that I know it, because one of our rules was, that if any master be paying less than what the tariff said he should pay, then that there should be a sub-committee appointed, who were to consist of two operatives and two masters, to wait upon the individual master in order to ascertain the fact, and I believe in several cases that was done.

1914. In the event of this sub-committee discovering that a particular master was giving lower wages than the tariff authorised, was there any means that you could take to put a stop to such a proceeding?—We had a rule upon that subject, which I will read. The rule is, "That the Board shall not give its support to any manufacturer in case of any dispute between his workpeople and himself, unless such manufacturer pay the prices agreed upon from time to time by the Board."

1915. Practically, what did that withdrawal of support come to?—Under that rule, supposing that the master was paying less than we had decided upon, we might have fined him, but the most practical remedy was by the members of the operative portion of the Board saying to the men, You shall not work for that master any longer.

1916. If he had refused to pay the fine which you imposed, could you have recovered it in a court of law?—Our 15th rule is, "That upon any direct case of breach of the arrangements of this Board being discovered, the same shall be visited upon the manufacturer or weaver by fine and exposure, and upon a repetition, double the fine in each case, the informer to receive the half of the fine." Now I must say that that rule was considered as worth nothing, for supposing

supposing we said, you shall pay the fine, we had no legal means of enforcing it; and therefore all that we could do to force the masters to act *bonâ fide* with regard to the regulations, would be by saying to the workmen, You must not work any more for them, and exposing them.

1917. Viscount *Duncan.*] Did any instances occur in which you did interfere in that manner?—Yes.

1918. What was the result?—The master then either said, I will comply with it, or I will cease working; and then upon ceasing working he went over the prescribed line beyond the parish of Prestbury, which was our boundary, and got his work done elsewhere.

1919. In fact, the result of your interference in several instances was, that he got his work done elsewhere?—Yes, he did.

1920. Mr. *A. Pellatt.*] Did this arrangement drive the work out of the town to a great extent?—It did, certainly; I may say that I know one firm that sent, perhaps 100 weavers out of work, and then there was a cry out with regard to that firm, and that I should say broke our Board up.

1921. In point of fact, your interference did more harm than good?—I do not know that; the men thought otherwise; the men said, that if they had been paid according to the tariff price, we should not have harmed them, but have benefited them; of course the masters considered it their interest to act otherwise.

1922. Viscount *Duncan.*] Was not the result of your Board to drive a portion of the work out of the town?—It was.

1923. Mr. *A. Pellatt.*] The town suffered as a whole from this attempt to settle the wages between the masters and the men, and other surrounding districts benefited by it?—They had employment at prices below that which the Macclesfield men would undertake.

1924. You had only the command over a particular area, and the manufacturers beyond that area injured Macclesfield?—That, of course, is the natural inference.

1925. Mr. *P. Urquhart.*] Suppose this area were to comprise all England, might not that sort of interference injure all England by driving the silk trade out of England altogether?—Supposing the foreign competition came to bear against this country, then it would, of course.

1926. In that trade, as well as in every other trade, is not foreign competition brought to bear against England?—It is quite clear, that if we can get our goods, of whatever kind, manufactured at a less amount in another country than we can do in this country, so far we must be injured.

1927. If there had been a certain tariff of wages compulsory upon all people engaged in the silk trade prevailing all over England, would not it have enabled the foreign silk manufacturer to undersell the English silk manufacturer?—Of course.

1928. Then the trade must have ceased altogether in England?—If the foreign workman were able to weave or to manufacture his goods at a less amount than we can in this country, supposing that he had the same means of operating upon it, it would injure, of course, the general trade of this country. But the elasticity of our rules would have avoided this result..

1929. Is it not probable that the extension of such interference all over England might ultimately annihilate the silk trade of England?—I should be glad to answer any question that the Committee may put to me, but I am not politician enough to answer this question.

1930. Lord *J. Manners.*] Did not you state that, in considering the proposed reduction of two particular branches of the silk trade, you took into calculation the prices that were being paid at Manchester?—I did so.

1931. Do not you suppose that if a Board had been constituted to take into consideration the question as affecting the whole of England, it would, in coming to a decision, take into consideration the wages paid on the Continent also?—Yes, certainly. As the chairman of such Board, I should have taken that matter into consideration.

1932. Supposing that a general Board were formed, taking in all the seats of silk-weaving in England, would not it be so constituted as to be able fairly to consider the effect of any decision they should come to upon foreign competition?—I should have considered that it was within the province of my duty, as chairman of such a Board, to take that matter into consideration. I should not have considered the matter solely as regards the particular locality; I should have

S. Higginbotham, Esq.

17 April 1856.

have considered what would have been the general result, and what would be a fair thing in that point of view.

1933. Viscount *Duncan.*] Did I rightly understand you to say, that you took into consideration whether the price of wages were higher or lower in Manchester than in Macclesfield?—Yes.

1934. In fact were they higher or lower in Manchester than in Macclesfield?—The Manchester weavers, in the particular articles to which I refer, of ducapes and gros de Naples, I believe I am right in saying, were weaving at that time the plain article from 4*d.* to 5*d.* a yard less than the men of Macclesfield; and the discrepancy seemed to me to be so palpable, that I could not resist for a moment giving my assent to the reduction of 3*d.*; that led to the little expression of feeling, the only one that at all annoyed me during the time I occupied the chair.

1935. *Chairman.*] It was absolutely necessary for you to do?—I should say so.

1936. Sir. *H. Halford.*] Can you tell the Committee what is the usual mode of agreement between the employer and the employed in the silk trade; is there any written agreement entered into?—No; I never heard of a written agreement. There is a general understanding. I knew a case the other day, where a new material was going to be manufactured; the manufacturer said to the men, "What will you weave this at?" and they said 17*s.* He said, "I will give you 19*s.*" He was paying that for some time, while another manufacturer (I heard this from the two gentlemen themselves) was paying 24*s.* In consequence of this, the manufacturer who was paying the 24*s.*, said to his men, "Now, unless you force Mr. So-and-So to pay a price equal to that which I am paying, I must stop all your looms." They went to the men of the other manufactory, and they immediately turned out, and the consequence was, that those individuals (I do not mention names, though I could do so) are now getting their work done at Hazelgrove, which is beyond Macclesfield. But, generally, if there is any new species of work introduced into the trade, the masters and the men amicably settle it between themselves, not by written agreement, but by a general understanding. But supposing this Board were in existence, that species of work, according to the rules, would have been referred for the judgment of the Board, and they would have fixed the price. Every article that was manufactured in Macclesfield at the time that the Board was in existence, had a price affixed to it.

1937. Are you aware of the Act in operation with regard to silk manufactures, called the Ticket Act?—No, I am not.

1938. Are you not aware that there is an Act of Parliament by which the workman may require to have the particulars set forth in writing, as to the prices to be paid for his work in the manufactory?—I wish to speak with caution, as I do not know whether that applies to Macclesfield.

1939. Are you not aware that it is acted upon at Macclesfield?—I am not aware, either one way or the other. There is a party here, who will be able to satisfy the Committee upon that point.

1940. Is not it, generally speaking, that the contract is verbal, that it is a sort of understanding between the workmen and the employers what price is to be paid?—That is my impression.

1941. Does not your book contain a settled scale of prices for different kinds of work?—Yes.

1942. Might not that be useful in order to a distinct understanding as to what the price ought to be, even supposing it were not compulsory?—Yes; I believe that even now, though they know that that book is not a book of legal authority, it is the authority generally referred to both by masters and men.

1943. It is useful in promoting a general understanding between masters and men as to what the price is to be for each description of work?—No question of it.

1944. Mr. *Wise.*] If a Board of this kind were established, even if it did not attempt to lay down a maximum and minimum of wages, are you of opinion that, practically, by discussion, and by looking at the matter in a friendly spirit, a fair rate of wages might be come to?—That is my decided opinion; where the masters and men are by any means brought together, and led to consider that the interests of the one are the same as those of the other, there is an effect produced which, I think, would be beneficial to the whole trade; that is the general

general opinion. Of course, as to the legalisation of the decisions of such a Board, that is another question.

1945. Consequently you think that a permanent mediating body between the employers and the employed would be of advantage?—I think so; it was simply the feeling that it was a mere question of humanity, if I may be permitted to say so, that led me to say that I would stand in the gap, for the state of things really was horrible. My first commencement of life in Macclesfield was at a time when the people were just rising from one of the most disastrous strikes that ever took place, in the year 1816; and certainly the impression made upon my mind at that time was such, that there was nothing that I would not have done to have effected the good understanding to which, I presume, you refer.

1946. When this Board of trade was established in Macclesfield were the workmen aware of the 5 Geo. 4, c. 96, the Act commonly called "An Act for consolidating and amending the Laws relative to the Arbitration of Disputes between Masters and Workmen"?—I think so, because the Act had been acted upon.

1947. Has that Act been frequently adopted?—Yes, I think so.

1948. How did the workmen settle their disputes under that Act?—I fancy that it was by an appeal to the magistrate,—at all times an invidious method on the part of the man against the master; the master feels peculiarly sensitive of being dragged before a magistrate; he is pointed at; I believe I am not overstepping the bounds of truth when I say there was one firm in Macclesfield some dozen years ago that was considered so notorious in this respect, that it was said it would almost employ one police magistrate to decide their cases. The moment that a man summons his master up for any offence, either real or imaginary, that man will never have another job; and, therefore, I do think that if there was a Board established to settle these disputes separate from the office of a magistrate, it would be of great advantage.

1949. Are you of opinion that even with a stipendiary magistrate the feeling of the people would be similar to what you speak of?—I think so; they object to going before a magistrate; they do not like to be brought before the court and put in the same dock with a felon.

1950. Do you think that if the body of employers of the district could elect three of their number, and the workmen of the district could elect three of their number, and these six people met and applied to the Board of Trade, or any other authority, to nominate a moderator chairman of the proceedings, a body so constituted would enjoy the confidence of the masters and the men?—I do; that is my firm conviction; I know there are many questions connected with political economy that might arise out of that, and I profess entire ignorance of them, but I think it would succeed.

1951. Lord *J. Manners.*] Did that Board only take cognisance of what was to be the rate of wages, or did it adjudicate in any way upon any question as to past contracts, or upon any disputes as to the fulfilment or non-fulfilment of existing contracts?—During the time that they had a *boná fide* existence, both masters and men attended to them, as far as we know; I know, or at least I have been informed, that there have been evasions in this way; that nominally a master has paid so much; but he has said to his men, If you charge the regular charge under the tariff we will knock you off so much for damage; and occasionally the men have been defrauded by that means.

1952. Sir *H. Halford.*] Do you mean that deductions have been made for imperfect work?—Yes.

1953. Viscount *Duncan.*] You mean the decisions of the Board are evaded occasionally?—Yes, no doubt it would be a practical evasion certainly.

1954. Lord *J. Manners.*] The Board did act judicially in cases of that kind?—It generally did, and for a certain time we had every reason to believe that the decisions of the Board were *boná fide* complied with.

1955. Viscount *Duncan.*] What was the time during which you think they were *boná fide* complied with?—About 10 months.

1956. Did you not say at the beginning of your evidence that the Board lasted 12 months?—I said from March until the following April.

1957. Do you think the decisions of that Board were complied with during the whole of the time of the existence of the Board?—I should say that about a month before the Board could be said to be broken up, there was on the part of myself

S. Higginbotham, Esq.

17 April 1856.

myself and of those who were the members of the Board a great suspicion that there was an evasion in one way or the other.

1958. Upon what was your suspicion founded?—Complaints that the men had made; for instance, we had been told that such and such a firm were paying so much; there was a sub-committee appointed to wait upon the parties, to ascertain the truth of that information, but we had a difficulty in getting at the truth; trade was then becoming rather slack, and the men themselves, who had been avoiding their own rules, felt a disinclination to let the whole truth out, because the master then had his remedy, by taking the work beyond the line which comprehended our district.

1959. Did they do so in many instances?—Yes.

1960. *Chairman.*] In answer to a question put to you just now, you stated that in your opinion a Board constituted of such a number of masters and such a number of men, with an independent chairman, would answer the purpose perfectly well?—That was always my opinion.

1961. A former witness has stated that the advantage arising from such a Board would be, that their decisions would carry public opinion with them, and that both masters and men would probably be induced to follow the decision of that Board, from its being supposed to be a just and equitable decision; is that your opinion?—I should say so decidedly. For instance, I should have a little hesitation in saying that my own individual opinion should outweigh that of a number of people.

1962. You think there would be a moral effect from such a Board?—There would be a moral influence from such a Board.

1963. Mr. *Ingham.*] Did not you state, in answer to a question put just now, that during the nine or ten months this Board was in operation, that you had several cases brought before you that were adjusted satisfactorily, which did not concern the regulation of wages for the future, but which were founded upon past contracts?—When the Board was constituted we entered upon the question of wages, with regard to every conceivable article of manufacture that was made in Macclesfield.

1964. After you had come to your conclusions upon what the wages ought to be, what was the nature of the questions which were brought before you?—You may suppose by the bulk of that book, that it took us the entire time to draw it up, so that the book was published, I do not think above six weeks, before we might consider ourselves as a Board defunct.

1965. In the interval of time, were there any disputes between the workmen and the masters brought before you, which had no reference to what the amount of wages in future was to be?—No, I think the only question was with regard to the wages; of course if there was a dispute between masters and men as to the mode in which the man had performed his work, that was a case for the magistrate's interference; that came under the Arbitration Act.

1966. Viscount *Duncan.*] Did I rightly understand you to say that the book contains the rate of wages which you propose to pay the men?—Yes; which both the masters and the men agreed to.

1967. Did I rightly understand you to say, that that book was published about six weeks before the body of which you were chairman became defunct?—I think so; if I had the secretary's book here I could give you the date when each particular agreement was arranged.

1968. Do you think that it was the publication of that book which made the council of which you were the chairman lose its authority?—The prices here are for all the different articles; and in many cases masters said, "I cannot afford to give what the Board decides, if it is woven within the Macclesfield district, I must give; therefore I will go to Hazelgrove, or I will go into Lancashire at once." It was then the Board became defunct. Although this list of prices is not universally agreed to and followed, yet I believe there is no manufacturer or man who would say that our labour has been in vain, inasmuch as the very publication of these prices has been a considerable advantage to the trade generally.

1969. Lord *J. Manners.*] Do you think, speaking generally, that the list of prices you have there is adhered to by the masters and the workmen?—It was; I do not know whether it is now; I believe that it is pretty generally adhered to now.

1970. Mr. *B. Blakemore.*] What rate of wages did you fix as being proper for

for a large body of workmen per day or per week?—That does not at all enter into this book. *S. Higginbotham, Esq.*

1971. Had you not some standard to guide you as to what ought to be the earnings of an artisan?—That does not at all enter into consideration here. 17 April 1856.

1972. Did not that come before you?—No; because our workmen work by the piece.

1973. In fixing the wages by the piece, how much per day did you intend that an ablebodied industrious man should get?—It was a question which never came before the Board. The question was, what should be paid for a particular article; one man would in the same length of time, perhaps do double the work which another man would do, and twice as well.

1974. Suppose an industrious, ablebodied, and careful artisan worked by the piece, what would he be able to get by the day at your price?—That was a question which never came under our consideration.

1975. Mr. *Wise.*] You only considered what share the operatives were to have in the manufacture of a piece of goods?—For weaving a particular class of goods so much was to be paid; one man, for instance, would work that in an artistic way, and another in an inartistic one.

1976. Mr. *B. Blakemore.*] The title of the book states it to be "A list of prices fixed upon to be paid for weaving the various fabrics hereinafter enumerated." Upon what data did you proceed in fixing the prices for weaving?—The masters and workmen were persons that understood the manufacture of different articles, and the amount of skill and labour requisite for the production of that article. There is a difference, for example, with regard to the weaving of a plain handkerchief or a figured one.

1977. Would not that all resolve itself into this question: What income should a man of that class be able to earn?—That is a question which never entered into our minds.

1978. Are you not aware that there are a great variety of trades in which such questions would arise?—Certainly.

1979. This book is entirely confined to the silk trade of Macclesfield?—That is all.

Mr. *Charles McDonald*, called in; and Examined.

1980. *Chairman.*] WHAT is your occupation?—I am a Silkweaver, at Macclesfield. *Mr. C. McDonald.*

1981. You are aware of the evidence which we have had from a gentleman of Macclesfield to-day; can you corroborate any statements which he has made?—Mr. Higginbotham made a mistake as to the duration of the Board of Trade, at Macclesfield; it really existed three years; but it took the 10 or 11 months he spoke of to form the book of prices which he showed to the Committee. He spoke of it as though the work was then done. Now, according to one of the rules of that book, the Board of Trade was established for the purpose of arranging prices from time to time; it was different from the fixing of any minimum prices. There is a rule here that says, "That they shall meet and arrange prices from time to time." At the time when the Board was established there had been a long strike, and the prices were all in confusion; different manufacturers were paying different prices, and that had been the case for seven weeks; nearly all the looms were standing because they could not come to any arrangement as to what prices should be paid. It was at length proposed by the manufacturers that there should be a Board of this sort established; that a committee of 12 masters and 12 men should meet and arrange the prices. This book took 10 or 11 months to form, and during the time that that was going on it was desirable to get the men to work.

1982. Were you one of that Board?—No; but at a meeting of the delegates, before that Board was established, I proposed that the weavers should go to work conditionally, and receive whatever price should be fixed upon by the Board, as the different kinds of work were settled upon. The weavers went to work at once upon that arrangement.

1983. To your knowledge, do you consider that the establishment of that Board of 12 masters and 12 men answered the purpose for which it was established?—It answered the purpose for which it was established; that was to

Mr. *C. McDonald.*

17 April 1856.

prevent strikes, or the necessity for strikes; there was not a strike during the whole three years of its existence.

1984. In what way did it prevent strikes?—There was an authority that both masters and men gave a certain sort of obedience to; their decision was not law, but they gave a certain sort of obedience to it; as long as the masters agreed to meet the men, the men were always satisfied with their decisions, and they even submitted to reductions, and were glad to do so.

1985. No strikes took place during that time?—No strikes took place during that time; in the case of one manufacturer with whom I am acquainted, there was a certain description of work that he was making at 3*s.* 3*d.*, and there was 6*d.* taken off, which would be a considerable reduction upon that kind of work; he paid his men 2*s.* 9*d.*, as was regulated by the Board, and the weavers received it, and were satisfied with it; but when the Board was dissolved a few months afterwards, the weavers struck, and demanded the old price back again, and got it, and have had it ever since, because they threatened him with a strike.

1986. If these equitable arrangements answered the purpose for which they were intended, and prevented strikes, why was not the Board re-established afterwards; having found the benefits of it for three years, why did not you establish it again?—My own opinion is, and it is the opinion of manufacturers, that it was solely for want of having legal force; some manufacturers evaded it, and there was no legal power to enforce their regulations; when the Board was first established they agreed to a rule "That upon any direct case of a breach of the arrangements of this Board being discovered, the same shall be visited upon the manufacturer or weaver by fine and exposure, and upon a repetition, double the fine in each case, the informer to receive the half of the fine," but then they had no power to enforce it, except by doing that which the Boards were established to prevent, namely, by striking the hands; they had no way of compelling a master to comply with the regulations of the Board, unless by doing the very thing they were established to prevent.

1987. Did not these regulations extend to the prices of work?—Yes; but they had no means of enforcing their decisions, except by doing the very thing which they were established to prevent; and they never would consent to do that.

1988. Viscount *Duncan.*] They never did so in any case?—They never did so in any case, and therefore they were not able to enforce their regulations.

1989. *Chairman.*] You can, as a silk weaver, give an opinion as to what would be the result if such a Board as this were constituted with a legal power; would it be beneficial or not?—I think it would be very beneficial, for many reasons.

1990. Will you state your reasons for that opinion?—In the first place, the reductions which take place where silk is manufactured, are always on some pretext; a manufacturer whenever he offers work at a reduced price, always says that it is because some one else is doing so; and in the first place the establishment of such a Board as I propose, would enable all the manufacturers and weavers to collect information as to what prices were being paid in the different places of manufacture. The pretence made by the manufacturer for lowering his price always is, that the price he is paying is such that he cannot go on with his manufactures unless there is a reduction in such price, and it was found that when the Board existed, the information which the manufacturers were able to bring forward always satisfied the operative portion. I was not a member, as I said before, of the Board when first it was appointed; but I served upon the Board afterwards, for the operatives were chosen every six months. The operatives were always satisfied when the manufacturer gave them some proper reason for his reduction; such, for example, as that such and such prices were paying at other places for this work, and that was acting on the trade; and they were able to satisfy others that the case was reasonable. That I apprehend would be the case not only in the silk manufacture, but in other cases too; there is a great deal in masters and men coming into personal intercourse with each other; it makes a very good impression upon the minds of both parties.

1991. It softens the asperities of both parties?—Yes; it makes a great deal of difference, particularly with the men.

1992. Do you think that a Board of that sort must be beneficial to both parties?—Certainly; I think that any sort of Board would be so, provided they had

had legal power, because there is no use in a Board being established unless they had some power.

1993. Would you recommend that such a Board should have legal power to decide about wages?—That I suppose would be just the difficult part of the whole subject. I never contemplated that it could be established to fix a minimum rate of wages; but I think that supposing the manufacturers in Macclesfield agreed with the men to apply for the establishment of a Board of Trade in Macclesfield, if a law were passed similar to the law in France, to the effect that the parties, after such a Board was established, would be amenable to its regulations, it would be a good thing, because I imagine that that would constitute a contract. I imagine, that if a number of manufacturers elected six of their body to arrange a list of prices, that would be a contract which they ought to agree to.

1994. That would be a contract between the six masters; but unless it had the sanction of the whole masters and workmen in the trade, would it be a contract between all?—The workmen having elected their representatives would always stand by their part of the contract; there is nothing so desirable to workmen as steady employment, and there is nothing so distressing to workmen as a recurrence of strikes, or a dread of strikes; nothing causes more distress than strikes; and there is no possibility of preventing strikes as long as you leave it in the power of any manufacturer to throw the whole trade into confusion, by offering a reduction of prices; in such a case the workmen have no other remedy but a strike; they know that it is a desperate remedy, but they have no other remedy. For instance, there may be a large manufacturer employing 500 or 600 looms; and a manufacturer who employs, it may be, 50 looms, will offer work at a reduction of 6 *d.* per dozen, or something of that sort, below the large manufacturer; that will settle the price of the goods in the market, and the whole trade must come down in consequence, if that man were allowed to do so; the consequence is that the weavers meet and agree that they will support the men of this establishment, rather than take that reduction; and that leads to a strike.

1995. Your evidence comes to this; that unless such a Board of Conciliation were established, strikes must constantly take place?—It is certain. I spoke to Mr. Robert Brodrick yesterday upon this subject; he is a very respectable manufacturer in Macclesfield, and he said to me, "During the three years that this Board existed there certainly was no general strike, and I believe no one living in Macclesfield remembers three years to have passed before without a strike;" those were his words.

1996. Sir *H. Halford.*] Are the prices in other parts of the country at the same rate as in Macclesfield?—There is a peculiar branch of trade at Macclesfield, as I believe there is in other trades. Macclesfield has a peculiar branch of trade which other parts of the country do not interfere with; we make silk handkerchiefs in Macclesfield, and there is nothing of any consequence in that branch made in any other part of the country.

1997. Would you have the functions of the Board of Trade in Macclesfield applied only to the peculiar manufacture carried on there?—Certainly; it would not apply to any branch of manufacture, except what was carried on there.

1998. Viscount *Duncan.*] Were you a member of the Board of the Silk Trade of Macclesfield?—Yes.

1999. How long were you a member of that Board?—For six months.

2000. Did not you say that that Board lasted for three years?—Yes, I did.

2001. Will you tell the Committee which those three years were?—It lasted from 1849 to 1852. I was chosen a member in July 1851. The Board was dissolved in March 1852.

2002. Did not you say that it took ten or eleven months to prepare the book of prices?—Yes; I dare say it did. I was not a member of the Board at that time.

2003. At what period during the sitting of the Board was that book prepared?—At the commencement; that was their first work.

2004. Did that Board sit for two years after the book was prepared?—Yes, monthly; they sat weekly or twice a week when they were preparing the book; but they sat monthly after that.

2005. Did the Board originate in a strike, occasioned by the fact of the wages in Manchester being lower than the wages in Macclesfield?—No, not at all; it originated solely in the very great disparity of the prices that were being paid in

Mr. *C. McDonald.*

17 April 1856.

Macclesfield itself, for an article that was making nowhere else in England, and perhaps nowhere else in the world.

2006. Mr. *P. Urquhart.*] Do you mean the disparity of day-wages, or the disparity of wages for piecework?—It is all piecework in our trade; it is always piecework which I speak of.

2007. Mr. *Kinnaird.*] Has that disparity been lessened since the sitting of that Board?—It was lessened during the sitting of that Board.

2008. Does it exist now?—It is very great now, and has been since the Board was dissolved. In 1853, there was a good deal of excitement in the trade of England generally; people were very well employed in Macclesfield as well as in other places; and the consequence was, that during the course of that year the disparity of the prices paid by different manufacturers was so great, that several strikes took place, and very great losses ensued, both to manufacturers and men.

2009. Viscount *Duncan.*] Did not you say just now that the Board was broken up, because, in your opinion, it had not legal power to enforce its regulations?—Yes.

2010. What sort of legal power do you propose should be placed in the hands of such a Board, in order to enforce its regulations?—The functions of the French Conseils des Prud'hommes differ entirely from the functions that the Macclesfield Board undertook. The Macclesfield Board never did undertake the same functions that the French Board did; it would have been a great advantage if they could have done so; that was one of the reasons which caused its dissolution. Some manufacturers were said to make abatements, though they had agreed to the price; but I believe Mr. Higginbotham stated that the French Conseils des Prud'hommes was established for the purpose of deciding such cases as that. The system on which manufactures are carried on at Lyons, where they were first established, and that in which they are carried on in Macclesfield, are quite different; so very different, that it is sufficient to account for their never having recourse to the Board to fix wages in the same way as we did in Macclesfield. If it is the desire of the Committee, I could explain that difference.

2011. Will you explain the difference between the mode of carrying on the trade at Lyons and that of Macclesfield?—From what I have been told, I believe that the parties who take out work in Lyons prepare everything; they take out the silk in the skein from the manufacturers, dyed, and I believe they wind it, warp it, and do everything to it; they prepare the looms, and they pay the journeyman just one-half of what they take the silk out of the warehouse for. Now, the man taking out the work has just the same interest for keeping up the price as the journeyman, and that perhaps is the reason why the weavers are able to maintain a decent price for their work. In Macclesfield the manufacturer gives out the work ready for the people to put in the loom; I believe that is the reason why the French were not under the necessity of making a list of prices.

2012. Mr. *P. Urquhart.*] Is the man who takes out the work at Lyons a middleman?—In this Report, which has been laid upon the table of the House of Commons, he is called the foreman.

2013. Mr. *Wise.*] Is he not called *chef d'ateliers*?—That is the term.

2014. Sir *H. Halford.*] You have no such person in Macclesfield?—We have no such person in Macclesfield. The advantage of that system is, that this man has precisely the same interest in keeping the wages up as the workmen, because he gets one-half of the price; he has precisely the same interest that the weaver has in keeping up the prices.

2015. Mr. *B. Blakemore.*] Have you ever been in France?—No; I have no personal knowledge of the French system, except from what I have heard.

2016. Lord *J. Manners.*] What was the method of the election of the delegates to serve on your Board?—In the different firms the weavers met, and for every 50 weavers employed by the firm they chose one man, and these men met in what was called the delegates' meeting, and out of themselves they selected 12 by ballot.

2017. Can you tell the Committee what portion of the men engaged in the trade voted in these elections?—Nearly all.

2018. So that the delegates did really represent the great body of the working people of these trades?—Yes; they did really represent them.

2019. *Chairman.*]

2019. *Chairman.*] Were you registered, as the workmen were in France, or had every man who worked in the trade a vote?—Every man who worked in the trade had a vote; we had no legal form or legal power at all.

2020. Mr. *A. Pellatt.*] Did you find, after the dissolution of this Board, that the trade of the town was less in consequence of it; did it drive it out of the neighbourhood?—It had no effect whatever in that respect; neither the existence of the Board nor its dissolution, in my opinion, had any effect whatever in this respect.

2021. Have you had strikes in Macclesfield in your trade since that time?—We have had fluctuations during that time, and since, and before it; the silk trade always has, in my memory, fluctuated.

2022. Since the Board ceased have you had any depression of trade?—We have had very good trade and very bad trade since that time.

2023. You have had alterations as before?—Yes, exactly.

2024. Mr. *L. Gower.*] You said that there was a great disparity in the prices of the trade; was that a disparity in the proportion of the prices paid for different species of fabric, or was it a difference in the prices paid by several firms for the same fabric?—It was a difference in the prices paid by different firms for the same fabric.

2025. With regard to France; are you aware that there is a law in France against strikes?—I believe there is; I think there is also in England; in our trade the law is sufficiently strong to prevent us from striking.

2026. Mr. *A. Pellatt.*] Are you not aware that the law is, that you cannot leave your work unfinished if you have undertaken to do a certain work?—It is against the law for us to leave our work unfinished; the law cannot be more stringent than that in France, because they cannot have a law to make men work.

2027. Mr. *L. Gower.*] What compulsory power would you give this Board; would you enable it to insist upon the manufacturer keeping open his manufactory if he did not choose to?—No.

2028. If his workmen were ready to accept of a certain rate of wages, would you prevent their doing so?—There could be no law to prevent a man accepting any wages he chose.

2029. How could you compel a certain rate of wages to be paid?—I think that if a manufacturer entered into a contract to pay the prices arranged by the Board, that contract should be recoverable.

2030. Is not that Board to be constituted by the majority in the trade agreeing to it?—Yes.

2031. Would the minority be bound by the decision of the majority?—No, I should not say so; but there is a moral force that I can conceive of. I know how it operates, though perhaps I cannot explain it. For instance, if a Board of this sort were established in Macclesfield, every manufacturer in Macclesfield would agree to abide by the decisions of that Board, because there would be an odium attached to the name of any man who would say that what was fair and just for every other man was not fair and just for him; public opinion would influence them.

2032. Then it is no longer a legal compulsion, but merely a moral force that you would rely on?—Yes; but that moral force would be much increased by the fact of its being established by law, and the fact of its having a president appointed by the Government, if it went no further than that.

2033. Would you be satisfied with that force, or would you wish for more compulsory power?—I think the wages should be made recoverable, and that if a manufacturer had given in his agreement to abide by the regulations of that Board, that price should be recoverable by the Board, and that the Board should be able to decide whether the parties are to recover the amount for their work in case it was refused to be given.

2034. Whether the Board was established or not, if the manufacturer agreed to give so much for any work, would it not be recoverable against him at present?—Yes; I believe the magistrates in Macclesfield actually went by it. I know that whenever a case was brought before them they decided that the price in this book was the proper price; if any weaver would summon his master for wages, he always recovered the price in that book. They never recognised private contracts.

2035. Mr. *Wise.*] Do you know that from experience?—Not generally.

Mr. *C. McDonald.*

17 April 1856.

2036. Do you think that agreements would tend to promote harmony if they were frequently used?—Yes. Mr. Samuel Pearson told me once, that it would be of the very greatest importance to him to have a regulated price, and he explained it thus: he said that he would be keeping his weavers at work during two or three slack months, when he does not sell anything, and would make a large quantity of a certain description of article, and just when it was ready for market another manufacturer would undersell him.

2037. Do you think that a well-arranged system of agreement would be desirable for the operatives of this country; do you think that it would be desirable that agreements should be more extensively used than they are at present, between the employed and employers?—Individual contracts would not be advantageous.

2038. May it not be done to a great extent collectively?—Collectively that would be an advantage; but even individual written agreements would be an improvement on the present loose way of doing business.

2039. Sir *H. Halford.*] Are you aware of the existence of the Ticket Act?—No; there is a law to that effect, but it is not generally acted upon in Macclesfield.

2040. Why is it not used?—The weavers generally do not like holding their masters up to the strict letter of the law.

2041. Is it not understood that the prices contained in your book are considered to give a sort of ticket, applicable to the whole trade in general?—They are; if manufacturers are going to make any description of work that has not been made before, every one of them apply to the book, though they may pay under it.

2042. So that your book, in fact, supersedes the Ticket Act?—Yes.

2043. Mr. *P. Urquhart.*] Do I rightly understand you to say that even where a private contract had been made between masters and men, for wages less than those specified by the book, the masters would be obliged to pay the wages in the book?—Yes, if there is not proof given of that contract; they do not have tickets there; the clerk has told me himself that the book would govern the price to be recovered.

2044. Would this book set aside even a written contract?—It would not set aside a ticket, but I think if there was not a written contract, it would decide the question.

2045. At the same time do not a great many master manufacturers, who do not wish to abide by the tariff of prices laid down in that book, get their work done out of Macclesfield?—Yes, they have always got a great deal of work done out of Macclesfield.

2046. Do not a great many master manufacturers get their work done out of Macclesfield, who would have done it in Macclesfield had it not been for their being obliged to give the prices contained in that book?—I never was satisfied on that; there has been a great deal of difference of opinion upon it.

2047. You have heard it said that that is the case?—Yes, but I have heard the manufacturers say that it was strikes which obliged them to go out of Macclesfield, and when they once got established there, they kept there, and they have been increasing.

2048. Could not they get work done cheaper out of Macclesfield than in Macclesfield?—Yes.

2049. Was not it the natural tendency of any manufacturer to get work done outside the town, if he found he could get it cheaper done outside than inside?—No doubt, and that proves that it was not advantageous to them.

2050. Did not you say that they did so to some extent?—They do to some extent, but they do not do so to a greater extent than they would have done under other circumstances.

2051. At the time the tariff of prices was given up, was there any fear that that would be the result if the master manufacturers were obliged to keep to the prices in the book?—No, I think not.

2052. Did you ever hear it stated that that was so?—No, I did not.

2053. Lord *J. Manners.*] Did the tariff meet in the first instance with the approbation of a great number of masters?—It did; their signatures are at the end of it.

2054. Mr. *B. Blakemore.*] Your Board consisted of 12 masters and 12 workmen, and a chairman, did not it?—Yes.

2055. Can

2055. Can you give us any idea of the aggregate number of men which those 12 manufacturers employed?—I should say about 3,000 men.

2056. How many did the largest manufacturer employ?—I think about 800.

2057. Nearly half the whole was employed by one manufacturer?—It would be nearly one half of the whole.

2058. Was that Mr. Taylor?—Mr. Taylor was the representative of Messrs. Brocklehurst.

2059. This manufacturer employing 800 men, how many did the smallest manufacturer employ?—About 100.

2060. Then the number of men employed by these manufacturers varied from 800 to 100?—Yes.

2061. Are there any manufacturers employing a larger number of men than those who signed this book?—No, none whatever; the name of the largest manufacturer is at the head of the list.

2062. Was not this Board voluntarily established?—Entirely.

2063. Is it not a fact that the fluctuations in wages are frequently occasioned by the master of small capital not being so able to keep his place as the master of larger capital, from his being unable to pay the week's wages unless he can sell?—Yes.

2064. Then in a great degree, do not the fluctuations in wages occur from small manufacturers being obliged to sell, even at a sacrifice, sooner than the larger manufacturers?—That is generally stated to be the way in which the thing commences; it is generally stated to have originated there.

2065. Would a fixed scale of wages which would be binding on all manufacturers have the effect of producing inconvenience on men of small capital, more than on men of large capital, in times of dulness of trade. Supposing you have a master who cannot afford to keep his work, but must sell it, and suppose that he were compelled to pay a fixed rate of wages, would he suffer more or less inconvenience than the man of large capital?—He might, and would suffer more; but the community would suffer less; perhaps it would be better for him if he suffered then than at a later period.

2066. Do you think that it would be an advantage to the trade or to the country to drive men of small capital out of the trade?—No, I do not, but I know for a fact that several small manufacturers have gone on struggling, and they have struggled until they become bankrupt; they have gone on reducing the wages and reducing the market, and running their goods into the market, causing the trade a great deal of inconvenience, and making themselves bankrupts in the end.

2067. You would not consider it desirable that men of small capital should be driven out of the trade?—I should not, by any means.

2068. Would not that have the practical effect of preventing men of your class of life, or actual workmen or artizans, from becoming manufacturers?—We do not find that; the man who saves a little money and starts a manufactory always gives the best wages, because he has to do so to get men.

2069. He has to hold up his head against the competition of larger masters?—He does so, because starting he must give better wages to get better hands.

2070. It would not be an advantage to prevent men of small capital from embarking in trade?—I do not think it would be an advantage to prevent any man from embarking in the trade; but I should like to explain why in Macclesfield we never contemplated fixing the price. The rule we drew up and acted upon was, that if there was any particular description of work that any manufacturer could prove or show any sufficient reason for believing that he could make a trade in, if the price were reduced, or that such a reduction would be the means of establishing a trade in an article, or of carrying on a trade already established, the Board would decide to reduce the price according to his wishes; the very thing they sat for was to consider and settle these questions from time to time according to the state of trade; now if any manufacturer, small or large, considered that by altering the price of any article he could compete with others or could gain a market, his proposition would come before the Board, and I have known cases where they have agreed to make these alterations upon the representation of a manufacturer.

2071. Your prices in this book are not actually binding, but are subject to modification by the decision of this Board?—Exactly so; that is their principle.

Mr. *C. McDonald.*

17 April 1856.

2072. Is it not the practice of the Lancashire manufacturers for the masters and men to contract for various kinds of work?—Yes.

2073. So much is to be given for making the more expensive piece of work, and so much given for the less expensive and less durable work?—Yes.

2074. Is it not the fact that a piece of work consisting of 80 shutes to the inch, is contracted to be made at a less price than if it required 160 shutes to the inch?—Yes; and it is reasonable that it should be so.

2075. How is that agreed for?—It is agreed between masters and men by an agreement between one warehouse and their men. Now, in case these Boards were established, instead of each master agreeing with his own men as to the price that should be paid, six of the masters and six of the men would meet, and make all these regulations, and prices would be the same in all places. That is all the difference it would make.

2076. In periods of dulness of trade, or when dulness of trade appears to be approaching, do the workmen ever offer their services to some masters at a lower rate of wages than is fixed upon by this book?—They do, undoubtedly.

2077. Does not that give rise to competition between the workmen themselves?—Yes.

2078. Does that lead to strikes among the workmen themselves against themselves?—Yes.

2079. Supposing a body of men saw a prospect of dull times, either from the fact that their establishment could not be carried on, from there being no demand for the employment of the usual number of hands, would the operatives employed in one establishment offer their services, at lower rates of wages than they had been receiving, to other masters who might be able to give them employment?—Yes, they would offer their services.

2080. Is that a source of dissatisfaction among the workmen themselves?—Very great, and a very great evil.

2081. Is that frequently the case?—In dull times it occurs, and leads to strikes.

2082. Do you think that courts of this kind generally arbitrate upon such a subject?—Yes.

2083. Supposing the master were to answer, "I cannot give you employment; if you interfere with the wages at which I can obtain this work to be done, I shall close my establishment;" how should these Courts of Arbitration operate then; should they compel the master to carry on his work?—No; without the Courts of Arbitration they would never make a piece of any description of goods unless they could see a future advantage of it somewhere; I have a good opinion of manufacturers; but I do not think they make any goods without a prospect of profit; I do not think they ever in dull times make anything out of sympathy for the working classes; I do not wish to say anything offensive of the manufacturers, but I think, in thinking over these subjects, it would be better not to imagine that they do that.

2084. Is not self-interest the first question, and the desire to give employment to those whom they have brought around them the second?—I have not the least doubt that they do feel an anxiety for their workmen occasionally, and that they act upon it in kindness; but, if they give it to one, they must keep it from another, because there are few manufacturers who could go on manufacturing in the silk trade, unless there is some vent for their goods, the articles are so expensive.

2085. As to the force of the decisions of these Boards; you have stated that they have failed in this particular instance from not having legal force; is there not great repugnance on the part of the operative so to attend the magistrates, or to have the interference of the law between himself and his employer?—Very great.

2086. Is not that one of the reasons of the anxiety on the part of the workmen to have these voluntary Courts of Conciliation?—That is the great cause why they wish for them.

2087. And yet you say that these Boards have failed from want of their decisions having legal force?—Not only the decisions have not legal force, but they have not even the countenance of law; their very establishment was entirely voluntary. The fact of having a president paid by Government, and an agent of the Government, would stamp their decisions with that authority which alone would make its awards respected; a very little thing in some cases turns the balance in favour of one side or the other.

2088. But

2088. But suppose the Legislature made the decisions of these courts binding upon the parties, could it be done in any other way than by enforcing their decision by law?—Yes; it might be done by giving them the same power as the French courts have.

2089. In that case, instead of being Courts of Arbitration, would not they be legal tribunals?—The French courts have that power; I do not think they would have their full value if they had not legal power to enforce their decisions.

2090. Have you turned your attention to the possibility of getting evidence upon which to decide by these tribunals; would you give these tribunals the power to compel the production of witnesses' books and documents?—They should have the power of summoning witnesses at all events.

2091. Would you give them a legal power to compel a master to produce his books, and papers, and documents?—I do not think that there would be any occasion for that; the agreements in our trade are generally verbal.

2092. Do you think that the evidence of the master, or in his absence the evidence of his agent would be sufficient, and the workmen would be satisfied with that evidence?—Yes; and the parties sitting in this case to give judgment would be so well acquainted with all the circumstances, from their practical knowledge of the subject, that there could be no possibility of deceiving them.

2093. *Chairman.*] There is one difficulty which I wish you to explain to the Committee. Supposing this equitable tribunal had a power of fixing the amount of wages, which would operate both upon the masters and the operatives, and supposing any one operative chose to say that he would not work for that money, the man's labour being as much his property as the coat on his back, would you give power to these councils to force this man to give his work for a certain amount of wages?—No.

2094. Supposing you were an operative in Macclesfield, and supposing that this equitable Council of Conciliation were to determine that all workmen should get only so much a day, and you chose to say I will not work for that, what would be the result?—It is very remarkable that where working men have an impression in their minds that they are fairly dealt with, they are not unreasonable; they would never look for that advance of wages, if they think they have fair dealing. There never was a single case, during the three years that the Board sat, where a working man did positively demand an advance of wages; and there have been cases since where they have struck, and put their masters to great inconvenience. Last year there was a manufacturer (not a very large one either), who said that he lost 100 *l.* by a dispute, which, if the Board had been sitting, would have been settled in half an hour.

2095. Your impression is, that a Board so constituted would entirely prevent strikes by its moral influence upon the workmen, who would submit to the decisions of the Board?—Yes; I am quite certain that they would; experience proves that they would.

2096. What, then, would be the object of making its decisions compulsory by law?—To give it a sanction, and to give stability to it.

2097. Viscount *Duncan.*] Did I rightly understand you to say, that occasionally, in bad times, some of the workmen offer to take less wages than their fellow-workmen?—They do.

2098. Supposing an operative offered to take less than the rate of wages settled by the Council of Arbitration, would you propose that the council should interfere in such a case?—The only way in which that could be managed would be that the wages that the master contracted to give should be recoverable.

2099. Supposing a workman offered to take less wages than his fellow-workmen, would you propose that in such a case the Council of Arbitration should interfere?—No, not in the case of an offer; but in the case of his being paid less wages.

2100. In case of his being paid less wages, would you propose that the Council of Arbitration should interfere?—I would propose, at least, this much; that a man should be able to recover the whole amount of wages which the Council had decided to be the proper rate of wages, if he chose to apply for it.

2101. Even supposing that to be a higher rate of wages than men were earning generally?—Yes; he should be able to recover it at a future time.

2102. Mr. *Wise.*] Do you mean to say, that if a man voluntarily offered to take 12 *s.* a week, he would be unable to make such an agreement?—I do not mean to say that he would be unable to make such an agreement, but I say

Mr. *C. McDonald.*

17 April 1856.

that if a manufacturer originally had given his adherence to this Board and had promised to abide by their regulations, in case their regulations were violated, the workmen should recover the difference.

2103. Independent of the disparity of wages, what cases have occurred within your memory which have led to disputes and reductions of wages which, in your opinion, might be referred to these councils?—The circumstances which have generally led to reductions have been depressions of trade leading the men, through poverty, to go and offer their services for the sake of getting work for a less price during the depression. A man speculating on using his capital in this way, brings down the whole market, and it remains down.

2104. You think that possibly there might be such a case during a depression of trade?—A man taking out the work and running the market down does not do good, either to the masters or the men; and the manufacturers of Macclesfield generally admit that it would be better for them, as well as for us, to prevent such a case, because the market is run down at a time of depression, and they cannot get it up again when there is a demand. Hence, leaving foreign competition entirely out of the question, the internal competition is injurious both to the manufacturers and the men; and the manufacturers generally say that it is as great an evil to them as to the men.

2105. Putting aside the disparity of prices and the depression of trade, do you know of any other occurrences which have led to disputes, or misunderstandings, or reductions of wages, which might with propriety be referred to a court of arbitration?—I know many other cases. There are various things with reference to work, disputes as to payments. When work is taken in, the masters sometimes do not pay the price they have agreed to pay; sometimes there is a fault found with it; the manufacturer finds some fault with the workmanship, and so on, and thus a reduction takes place. Certainly the Arbitration Act applies to these cases, and it would be a sufficient remedy if men would avail themselves of it. But there are two or three reasons why they do not. A man becomes noted if he takes a manufacturer before the magistrates; the manufacturers do not like to go before the magistrates upon these subjects; if they had to go before such a court as this, it would be more, as the term expresses it, for conciliation; there would be more of a friendly spirit; it would not be so offensive to the manufacturers. If the workman has any dispute whatever, and has occasion to bring the manufacturer before the magistrates, he is generally marked by all the manufacturers as a bad man, not worthy of employment, or indeed of living at all; but the Board could go a little further upon that very subject. In a time of depression the men do no doubt go and ask for work at any price, for something to do; times are not always bad; a re-action takes place, and trade becomes good, but this price has been made general throughout the town, and has become fixed on the goods. Then the weavers begin saying to themselves, "They took advantage of us when they had a chance, let us take advantage of them now;" and at the time when they ought to be at work and making money for themselves and the manufacturers, they are out on strikes. I have known the best season to be lost to both manufacturers and men in this way; for the silk goods, at all events, if the spring goes by, the season is lost for ever.

2106. Do not the masters sometimes voluntarily raise the rate of wages?—Sometimes; but they cannot always do it, because they cannot get their market.

2107. Viscount *Duncan.*] In prosperous times is it not the competition for labour among the masters themselves that tends to raise the rate of wages in the district?—Very seldom.

2108. Is not there more demand for labour in prosperous times than in slack times?—Yes; but if the weavers remain quiet the prices remain the same as they were when the trade was in a depressed state; the weavers thinking this, put their heads together and say, "We will have a strike;" and they have a strike, and injure both themselves and their masters.

2109. Is not it the fact that an advance of wages takes place occasionally without a strike?—Very seldom.

2110. Lord *J. Manners.*] Was the fact that a rise of the wages of labour in good times so seldom takes place, one of the causes of the formation of this Board of Conciliation in Macclesfield?—Yes; in the winter of 1848, things were very depressed. That was a very bad winter for us in Macclesfield; and when

when the spring came, about the beginning of February, there appeared to be a very great demand for labour. Now it is in my own recollection that the weavers asked to be paid the prices that were paid in November 1848, when trade was very bad, with which they would be satisfied; and when trade was very good in February 1849, the masters said they could not afford to give them the prices they had been paying in November 1848, when trade was a great deal worse. They had made a reduction between November 1848 and February 1849. That was the cause of the strike. *Mr. C. McDonald.* 17 April 1856.

2111. Viscount *Duncan.*] Are you acquainted with the winding-mills at Macclesfield?—I have no practical knowledge of them.

2112. Is it the fact that during the last year there has been an advance of wages among the winders in the silk-winding mills in Macclesfield?—Yes; but there had been a reduction first.

2113. During the last 12 months has there not been an advance of wages of the silk-winding mills at Macclesfield among the winding?—During the last two or three months there has been such an advance.

2114. Was there a strike preparatory to that advance?—No, there was not, not a strike in the way that men strike; there was a strike in the way that children strike. There are two different ways of striking; men strike in a different way from children; the children themselves actually run away from the mills.

2115. Lord *J. Manners.*] Will you explain what you mean by saying, that they struck as children strike?—Men have more forethought, and more fear of the future than children, and they will not strike until they strike as a body, having each other to countenance them. Now, children do not care much about it, and they run about from one place to another. If the children can get work at another place, they run away from their shops, and the masters are obliged to coax them back again.

Samuel Higginbotham, Esq., again called in; and further Examined.

2116. *Chairman.*] YOUR evidence does not agree with the evidence of the last witness with regard to the duration of the Board of Trade in Macclesfield; can you explain that difference?—Mr. Macdonald has informed me that I am under a mistake with regard to the duration of the Board, and has recalled it to my recollection; perhaps he is more accurate than myself, and I beg to apologise if it is so. *S. Higginbotham*, Esq.

Jovis, 24° *die Aprilis*, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.
Mr. Ingham.
Viscount Duncan.
Mr. Apsley Pellatt.
Mr. Pollard Urquhart.
Mr. Booker Blakemore.
Lord John Manners.
Mr. Cobbett.
Mr. Kinnaird.

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Robert Aglionby Slaney, Esq., called in; and Examined.

2117. *Chairman.*] I BELIEVE you were for a considerable time a Member of the House of Commons?—I was for a good many years. *R. A. Slaney*, Esq.

2118. And you have had a good deal to do with the subject upon which we are now deliberating?—I moved for a Committee in 1830 upon a somewhat analogous subject, and took evidence upon it.

2119. What subject was that?—On manufacturing employment, and the mode of settling or facilitating the settlement of disputes between masters and workmen.

R. A. Slaney, Esq.

24 April 1856.

men. Lord Althorpe gave me a good deal of assistance upon the matter; he was upon the Committee.

2120. You have, I believe, turned your thoughts a good deal upon the subject. Will you have the kindness to state to the Committee your opinion upon the subject now under consideration?—I have written a few lines upon the subject, which, perhaps, the Committee will allow me to read:—"Disputes arise from an opinion on the one part that wages are too low, and on the other part, that they are too high. They must be regulated by the general law of supply and demand. Sudden causes may lower wages, as a falling off in the demand for the goods manufactured. This is more the case in the manufacture of anything that is perishable, as fisheries, than in what can be stored up, as iron, metals, timber, &c. If such last manufactures are carried on by persons with large capitals, the fabric often goes on, though the demand is slack; but the profits thereby are lessened. As masters and men often differ on account of profits and wages, and what is a fair division of the price of manufactured goods sold, a council of both might conciliate and assist a reasonable division. They would be much aided by knowing what wages are paid by any company of limited liability in which workmen or persons acting for them have some shares; because they would then see that if wages are kept higher than the sale price of the goods will afford, the profits of the shares must fall, and they themselves must be losers on their shares. This feeling would introduce a candid consideration of what should be the wages paid when the sale brought a certain return. Thus the sale price would regulate the wages and profits, which should together rise or fall in the proportions which might be settled between certain limits. If the sale price fell much, both must suffer, and the manufacture or employment at length cease. An insurance fund for profit and wages might be contrived so as to prevent sudden changes; but this must be formed by a small deduction from wages and profits in prosperous times. Several companies under the Act I had the honour of getting through the House two or three years ago, the Co-operative Societies Act, the 15th & 16th Victoria, have an easy mode of settling disputes, and which Act now works well in London, Lancashire, and Yorkshire. These societies have no limited liability; but now with it may obtain gradually, if well managed, an increase of capital under the new Act; and many persons of moderate capital would be willing to help them, and thus give the men fair play, and enable them to learn the true guide to wages and profits. In this way the men would by trial be convinced that profits are often not so high as they thought; and the masters, on the other hand, finding, if they insisted on very high profits, that small capitalists combined might compete with them, would be content themselves with moderate profits and steady prices. By these means disputes would be lessened, and the public would be better served." I have ventured to add these few other lines: "If in each great manufacture, as cotton, woollen, or silk, one factory was carried on by limited liability, and the workmen had some shares in it, its account of wages paid and profits divided, would be of great use to guide others, and assist in removing prejudices and correcting mistake, perhaps on the part both of employers and workmen."

2121. Is it your opinion that it would benefit both masters and operatives, and prevent strikes, if something like these councils of conciliation, to which you have alluded, were established?—I think it would assist in doing so, by giving them an opportunity of expressing their own opinion, and joining together to consider the subject.

2122. Having paid a good deal of attention to the subject, can you state to the Committee in what manner these councils ought to be constituted, and how far their powers should extend?—I am not able to give any decisive opinion upon the question as to how they should be constituted; but I doubt whether their power should extend beyond reasoning upon the subject, and representing facts; I doubt whether there should be any compulsory power introduced.

2123. Viscount *Duncan.*] Then you would not be inclined to give them compulsory power?—I should not.

2124. Mr. *A. Pellatt.*] Has your attention been turned to what is called the Arbitration Act, 5 Geo. 4, c. 96?—No, I have not directed my attention to it; it is rather by masters and men having an opportunity of coming together, and by each of them finding, from examination, that the opinions which they entertained were perhaps a little exaggerated, that I think a Council of Conciliation would

would be useful; but I think the experiment I have ventured to mention, which has scarcely been introduced as yet (there is one instance of it in Price's candle manufactory), where the workmen, or the upper class of the workmen, should be enabled to have some shares, would be greatly useful in doing away with prejudices perhaps on both sides, and so removing misapprehensions.

2125. Viscount *Duncan.*] Have not great facilities been afforded for that by the passing of the Liability Act?—Yes, that was passed last year, and the consequence is, that at present companies can join together with moderate capital, without any one being liable for more than their shares; I moved for that Committee myself three or four years ago in Parliament: as chairman of that Committee, I felt some interest in the Act, and I hope to see that it will be an advantage.

2126. There is one expression in your paper which I do not quite understand; you said "the masters would be content themselves, under certain circumstances, with moderate profits and steady prices;" will you explain your meaning to the Committee?—I think that the masters may sometimes think that the profit, for instance, of 10 per cent., is what they ought to have; but if they see there is a competing manufactory, which is worked by limited liability, which is content with 9½ per cent., or something of that kind, then they would say, it is better for us to be content with a lower profit, and they would give, therefore, to the workmen higher wages than otherwise they would have done.

2127. Do you think the competition in trade will regulate the profit?—I think so.

2128. Is not it the fact that at present there is great competition in all trades?—There is; but at present persons with combined capital have had no opportunity of coming into competition with large single capitalists; they have scarcely a fair opportunity of doing so; and it appears to me that the principle which is applied in America, and in France and Holland, and in other countries, will be usefully extended here, not as a general foundation for all manufactures, but for some isolated cases; it may be useful in correcting prejudices, and so on.

2129. As far as your experience goes, do you think that a company generally is able to compete successfully against an individual?—I should say that an individual generally has the advantage; a single directing mind of an intelligent person must have the advantage over several people who may pull different ways. But still I think that there may be many trades and manufactures in which that may be counterbalanced by other points; I think, on the whole, it may be an advantage to have a permissive Act of that kind.

2130. Do not you think that in a competition of that kind, an individual would have the advantage against a company?—I think so generally.

2131. Do you know the operation of the laws of limited liability in France, where they have been for some time in force?—We took evidence on that subject in the Committee of which I had the honour of being Chairman, last Parliament; and I understood that as far as regarded France, they were about stationary, but that in America they were extended, and that there were companies having both large capital and small capital, but of course that would be applicable to certain kinds of manufactures.

2132. Are you aware that in France the manufactories generally are fewer, but much larger than in this country?—I think so.

2133. Mr. *P. Urquhart.*] Do not you think that the manufacturers must sometimes make what may appear to the public very large profits, in order to make up for bad times?—Yes.

2134. Do not you think that it might almost be asserted that every one makes these apparently extraordinary profits, which would be interfered with by these Courts of Conciliation, in order to make up for bad times?—I do not propose that they should be interfered with, except by their own consent. I think that out of the high profits that are made, at prosperous times, a small fund might perhaps be laid by for the purpose of insuring a more equal amount of profits at other times, and perhaps of wages also.

2135. Do not manufacturers to a certain extent practically do that now?—No doubt they often do so.

2136. At the same time, though they do not raise the wages so much, do they not often keep them up in bad times?—They often act very liberally.

2137. Do you think that power should be given to these Equitable Councils of Conciliation to enter into the discussion of the question as to the relation of

R. A. Slaney, Esq.

24 April 1856.

supply and demand?—I am afraid not; their duty would be rather, I think, restoring harmony and making known the true circumstances, which are sometimes exaggerated by the prejudices of both sides.

2138. Do not you think they would dissipate a great deal of prejudice and ill feeling by diffusing information?—I think they could.

2139. Could they not make known to those trades when the profits of those trades are low?—I think they might.

2140. And so might they not prevent strikes?—I think they might.

2141. Do you apprehend that by means of these Councils they might meet among themselves, without the intervention of strikes, which appear to be almost necessary now?—I think it might be done. I think that when true intelligence is brought before the men and the masters they must see that their true interests are almost the same, and I think that will very often prevent strikes.

2142. Viscount *Duncan.*] Have you ever considered the subject of the constitution of these Councils?—No, I never have.

2143. Is not there a provision for holding meetings for the purpose of settling disputes between parties in small mercantile concerns?—Yes.

2144. Was that a meeting for settling disputes?—It was a meeting held under certain rules, by means of which any disputes about partnership matters should be settled by going before a magistrate, or before the chairman of the county court, without being obliged to have recourse to Chancery, which used to be the case in all disputes among partners, and which would have been ruinous to those humble people. I understand that in that way it works very well, for they do get through differences at a very cheap and moderate rate.

2145. Viscount *Duncan.*] Have any objections been made by the parties to going before a magistrate under that Act?—I have not found that there have been.

2146. *Chairman.*] Have you found that they have done it often?—I understand that the companies which have been established under that Act have worked very well. The disputes have been generally adjusted. Those to whom it applies are chiefly companies supplying themselves with provisions, buying in at the first cost, and selling out for ready money. Some of them seem to have commenced manufactories for shoes, and clothes, and so on. I believe, on the whole, though some have failed, they are going on well. There have been a number of them in different parts of the country which are going on very well.

Mr. *Thomas Joseph Dunning*, called in; and Examined.

Mr. *T. J. Dunning.*

2147. *Chairman.*] WHAT is your occupation?—A bookbinder.

2148. You are aware for what purpose this Committee is assembled, and you have paid attention to the subject; will you be good enough to state to the Committee your opinion upon it?—I was sent here by our committee, with a view to state what their opinions were, which coincide with my own, upon the matter. They conceive the formation of an arbitration tribunal, or whatever it may be termed, to be a most beneficial thing, supposing it to be practicable. A difficulty in the beginning suggests itself to their minds, in consequence of the indisposition of the parties, or of one of the parties at all events, to arbitrate. If the masters have an advantage, they do not want anybody to interfere. They want to pursue it to its utmost extent. They do not want any arbitration at all; and I would not say that if the men thought they had an equal advantage, they would not equally take advantage of it; but it is so seldom that they have the advantage, that the rejection of arbitration, as far as my observation has extended, is invariably on the side of the employer. In the Preston lock-out the employers refused to arbitrate; in the amalgamated engineers' disputes, at the very outset, as reported in the "Times," there was a desire to arbitrate on the part of the men; at the first meeting in the Hall of Commerce they signified a desire to arbitrate; in fact, they went so far as to name the parties that they desired to be the arbitrators; Mr. Newton did it on their part; however, the masters did not arbitrate. What suggests itself to me is—I give it only for what it is worth—that if there were to be a tribunal to hear these complaints, supposing anybody to desire to refer their complaint to arbitration, either on the one side or the other, they should go to that tribunal, and then that tribunal should decide whether the arbitration should take place or not.

not. I have no idea that it would be desirable or proper that it should be compulsory; many reasons might be given by the parties why they did not desire to arbitrate, and why such an arbitration would be an interference with their affairs in a tyrannical manner; but if a third party, who was entirely impartial, were to hear the two sides, and supposing the adverse party would not come to investigate the matter on both sides, he might either decide that there should be an arbitration or not. An arbitration might be thought very unjust, and an unreasonable interference with the affairs of the adhering party when that arbitration would be doing them an act of very great mercy; for men's passions get so excited, and feelings of animosity get so embittered, that their feelings become positively rancorous, and are not in a fit state to see what are their own interests (I speak of both parties), and I think that in such a case for a perfectly impartial tribunal to decide whether there should be an arbitration would be a very good thing indeed for both parties, however adverse one of them might be. With regard to the arbitration itself, when it comes to an arbitration, I need not say that both parties must be satisfied that it is impartial, and I need not say that both parties must be satisfied that the arbitrators know something about the trade, and the ins and outs of its various circumstances, which are clear enough to the different trades, and are peculiar to themselves, and that they know sufficient to decide justly, being impartial; and I think that that might be secured by the parties themselves choosing the arbitrators, because the fact of the arbitrators being chosen by the parties, and agreed to by them, would ensure both impartiality and the requisite knowledge, as they would not agree to anybody who did not possess this knowledge, and whom they did not believe to be impartial.

2149. You mean to say that you would have the operatives appoint so many persons, and the masters the same number?—Precisely so; or in any other way in which they should mutually agree; that A should be on one side, and B should be on the other side. Supposing that that was done, I think that a very great object would be gained, benefiting both the employers and the employed. It would have been a very great advantage indeed in the Preston lock-out before it was half finished if there had been some intervention of that kind, and also in the case of the amalgamated engineers; and even some years ago, in 1839, when we had a strike of our own, in which I am sorry to say that every conceivable folly was perpetrated on both sides, it would have been an excellent thing if there had been an arbitration, whereby the parties might have been compellable to do what was reasonable, and what they should have done; and I think that is the mode which I would suggest, in which it might be made palatable, or thought to be reasonable, by the various parties.

2150. Viscount *Duncan.*] Did not you say that a strike took place in 1839 in your trade?—Yes.

2151. Are you acquainted with the Act passed on the 21st of June 1824?—Yes, I am.

2152. It is an Act to consolidate and amend the laws relative to the arbitration of disputes between masters and workmen?—Yes; I have it in my pocket.

2153. Could you suggest any amendment to that Act?—The Act is a very good one, as far as it goes; but it is chiefly, as appears upon the face of the Act, for the textile manufacturers which are in the country, and my experience relates only to London; I should say, the going before a magistrate in London, and having the magistrate to appoint an arbitrator, would be decidedly objectionable as compared with the arbitrator being appointed by the parties themselves; that is the defect in the Act, in my humble opinion.

2154. *Chairman.*] Does that Act work extensively?—I never heard of its being called into exercise; I do not say that it has not been used.

2155. Does that originate from ignorance of the Act, or from unwillingness to avail themselves of it?—From both, I apprehend.

2156. Viscount *Duncan.*] Who, in your opinion, should elect the arbitrators?—The parties themselves; it is very easy to do that; when they settle that they will arbitrate, or when they are obliged to arbitrate, it is the easiest thing in the world to select the arbitrators.

2157. Do you think that it would be easy to find impartial arbitrators in the trade for which they were called upon to arbitrate?—I think it would be the easiest thing in the world for the master to name so and so, and the man to name

Mr. *T. J. Dunning.*

24 April 1856.

so and so, if the parties were willing to do it; but if the parties were not willing, then it would be the most difficult thing in the world.

2158. Under present circumstances, might they not, if they pleased, appoint arbitrators upon either side?—Undoubtedly they might; but, as I said before, they are disinclined to do so, as far as I have had an opportunity of seeing.

2159. Do you propose to make it compulsory upon them to do so by Act of Parliament?—I think that would be a very difficult matter; I think it might be done in the way I have proposed, viz., by appointing a tribunal which should decide whether or no there should be an arbitration.

2160. Supposing that they were to decide that there should be an arbitration, would you make that decision compulsory on both parties?—Undoubtedly I would.

2161. *Chairman.*] How would you compose that tribunal?—It might be composed of persons appointed by Government, supposing them to be perfectly impartial.

2162. Would it not be more satisfactory to both masters and workmen if it were appointed by themselves?—Unquestionably it would.

2163. Viscount *Duncan.*] Should the Government appoint the arbitrators, or the parties concerned?—The parties concerned.

2164. Mr. *Ingham.*] The Government should say that there should be an arbitration, and the parties should appoint the arbitrators?—Exactly so.

2165. Mr. *A. Pellatt.*] Does not it come to the same thing in the end, whether there is one Board of Arbitration or two, provided that the decision of the second is made imperative?—There are many things to be taken into account: there is the demand and the supply of labour, and the relative skill, or want of it, which might arise in a dispute for wages; and it would be alleged very likely by the objecting parties that they were wanting just what was proper according to the then state of things, and that therefore they did not desire to arbitrate, or to be interfered with by anybody. Then a competent tribunal might examine the matter.

2166. Are you speaking of the first tribunal or the second?—The first; a competent tribunal would very easily be able to discover whether or not these things were pretences arising from the peculiarity of their position, or whether they were founded really upon justice; in the one case they would order arbitration, and in the other case they would not.

2167. Are you in the trade?—I am not working at the trade; I am secretary to the Bookbinders' Association.

2168. You have spoken of several general strikes; do you think that in those cases, if there had been Courts of Conciliation, such as you now speak of, to settle whether or not the parties should be forced to arbitration, that would have been beneficial to the parties?—I think that it would have saved the strike, or at least have shortened it; and I think it would shorten all strikes.

2169. Would not Boards of Arbitration accomplish the same object?—To have it effectual, it must be compulsory. I should like it to be compulsory; but I am perfectly aware of the storm that would be raised at such a proposition; people would say that it was tyrannous and arbitrary, and so forth.

2170. Still the decisions of your second court are to be compulsory?—Undoubtedly.

2171. *Chairman.*] If the masters and the operatives are desirous of having Councils of Conciliation, and appoint a great number of persons for that purpose, would not they save a great deal of time if they appoint them at once, instead of having these tribunals previously?—They would; but I am very much inclined to believe that, having the opportunity of showing the employers, if they thought fit, that by compelling them to arbitrate they were not tyrannically dealing with them, but dealing with them as men ought to be dealt with, their interference would settle the disputes between them and their workmen. I think that they would be more satisfied, and more contented to arbitrate, when they had an opportunity to show that if there were reasons why they should not arbitrate, those reasons would be duly weighed and attended to, supposing they were valid.

2172. Mr. *P. Urquhart.*] Would it not be impossible to make the power of arbitration compulsory, inasmuch as if a master did not choose to pay the wages which were settled upon, he might withdraw his trade elsewhere?—Yes; and that is the very reason why I desire the arbitrator to be appointed by the parties themselves; because the men would know about it as well as the masters, and the masters as well as the men; in fact, the dispute does not arise, as far as

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I have known, on that ground at all; it arises upon the state of the demand in the trade for labour being less or more than the supply, and the employers in the one case, or the employed in the other, desiring to take advantage of one or the other for their own benefit. There is a great deal made of foreign markets, and losing the market, and all that sort of thing; but that is not the true reason of these disputes; the true reason is, that there are so many men that they can get to do their work for so much less than it is done for, and then they say to the men, "You shall do it for less; if you do not like it, you can leave;" if the men leave, then of course there is a strike.

2173. Viscount *Duncan.*] Do I rightly understand you to say that wages fall on account of the competition of the men among themselves, and from certain portions of the men offering to take less wages than the rest?—The men do not offer to take less wages, but the master knows well that there is a superabundant supply of labour, and that the men will be glad to do so, if there is no employment for them, and therefore he says to his men, "I will give you so much less," and if they refuse, he says, "I can get it done, and you may go; you do the work for 18*s.*, I want it done for 16*s.*, and if you do not like that, you may go; I shall be very happy to employ you if you can do it." The employer thinks he can get it done more cheaply, and the men, of course, do not want to do it; they leave, and there is a strike, and that lasts sometimes a long while.

2174. Do you believe that that state of things could be done away with by any Act of Parliament?—Certainly not; the men are perfectly aware of that as well as their employers; it is very rare indeed that there is a hopeless strike entered into when there are a great many men out of work, and there is no chance of getting employment.

2175. On the other hand, when the demand for labour increases, do not the wages increase also?—If the demand is permanent, then the wages are increased, but it very often happens in the trade that the demand for labour fluctuates. At one time trade is what is termed slack; that is to say, there a good many men out of work. At another time it is busy, and very few persons are out of work. These fluctuations do not affect the wages generally speaking, because they are busy at one time and slack at another; but if there were to be a permanent supply of labour over and above the demand, then undoubtedlly wages would go down; nothing could keep them up.

2176. Mr. *P. Urquhart.*] Does not this important benefit arise from the liability of wages to go down when the market is overstocked by labourers, that it prevents too many men coming into the trade?—If in one trade there should happen to be an insufficient number of labourers, more will come into the trade, and keep the wages down.

2177. If the wages did not fall when a number of men came into the trade, might not too many labourers come in, more perhaps than there would be a possibility of maintaining in the trade?—That might be so; I have never seen any instance of that kind.

2178. Does not the fact that wages fall when many men come into the trade, prevent too many from coming in?—If in a trade a man really got 30*s.* a week, whereas in the same circumstances, another got 20*s.* a week, it is very likely in such a case that there might be less people coming into it; but I do not apprehend that that is found to be a thing which causes any advantage one way or the other.

2179. If they were to try to keep wages up to 30*s.* a week, and when the competition was reduced to 20*s.*, would not a greater number of men come into the trade than could possibly be supported by it?—That might be the case, but I never heard that it was; it might tend to increase the number of people in a trade, if very high wages were to be got in any particular trade, higher than in trades in general, but high wages arise generally from skill; it is either a rarity in point of skill or education which makes the wages of any man higher; no power on earth can keep wages high when the labour requires but little skill, because of the number of persons who can do it; that is the chief reason why wages become low. Increase in number might arise upon any machinery being introduced, or upon any new process being discovered whereby less skill would be required; a greater number of persons would be enabled to do the work; by that means wages would come down.

2180. Mr. *A. Pellatt.*] You said you were secretary to the bookbinders' society; is that a society of masters or of men?—Of men only.

Mr. T. J. Dunning.

24 April 1856.

2181. Would not part of your duties be, to look into the state of wages?—Precisely so.

2182. And to advise the workmen, in the event of any difficulty between the masters and the men occurring, to take steps to better themselves?—Exactly so.

2183. Mr. *Ingham.*] In the bookbinders' trade are the wages paid weekly, or according to the amount of work done?—Sometimes weekly, and sometimes according to the amount of work done; it is both time and piece-work.

2184. Is the superior description of work piece-work?—In our trade the superior work happens to be time-work; that which requires the greatest skill is what is called finishing, and it is almost impossible to make it piece-work, inasmuch as one job differs so much from another; perhaps a job ostensibly the same as another, might differ in process, so that there could not be any scale for piece-work in those cases.

2185. Did not you say that it was supply and demand that affected the rate of wages more than anything else, and that in times of hardship the owners took advantage of the dearth of demand to reduce the wages, and keep them reduced afterwards when the demand was increased?—Precisely so.

2186. Do not you think that might be rectified in some way, by introducing into trades long contracts, deciding the rate of payment for a considerable period of time, say 12 months, so as to comprehend many of the fluctuations that might occur in the trade?—I think there would be very great objection to that on the part of both masters and workmen; because, in the first place, the masters might not have the description of work in a continued supply, so as to keep the men employed at those wages, because the contract would, of course, suppose that they were continuously employed; and the mn would probably think they would be able to do better if they took their chance.

2187. Do you think that a master would be doing himself injustice if he bound himself to a reduced average; what hardship is there on the part of the masters doing this, instead of diminishing his wages upon every occasion when the demand is indifferent in the market?—I do not apprehend that supply and demand operates so very immediately as such a question as that would suppose.

2188. If it does not operate immediately, will it not be the more practicable to extend the contracts for 12 months?—I cannot say that I ever heard of any inclination to do that on the part of the employers, or of any desire on the part of the men for such an arrangement as that.

2189. I know that in some species of work, persons very frequently bind themselves for the 12 months to work at a certain price; do not you think that that is a desirable thing?—There is no doubt that in the trade you have alluded to, such an arrangement might be desirable, but as far as our trade is concerned, it would be, I think, impracticable, from the nature of the work.

2190. Does it occur in your business, which is one in which great skill is required, that there are periods of the year when the demand falls off very much?—There are periods of the year when it does fall off, some years more than in others, and that does not affect, nor is it supposed in our trade to be just that it should affect the rate of wages.

2191. If the demand falls off, does not the employer get less for the commodities that he sells?—He does not get less; he does less work; but he gets the same price for what he does, as far as we know.

2192. In the same way the workman gets less employment; but does not he get the same rate of wages for the employment that he does get?—He gets the same rate of wages for the employment he gets; but of course the amount of wages would be low, seeing that he is not employed during the whole week.

2193. Can the master give employment then, seeing there is less demand for the commodity?—He does employ his men during part of the time.

2194. Is there any injustice in the master and workmen both participating in the consequences of the slackness of work?—In the case of a foreman a settled wage is usually received, because he is there always; whether slack or busy, he gets his money; but with respect to the workmen generally, such an arrangement is not entered into; if there is work for him to do, he is paid at the usual rate mutually agreed upon; if there is not, he goes on for a day or for half a day, or half a week, and comes in every now and then, and stays there until he can get something better.

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2195. There is nothing blamable in that?—Nothing at all.

2196. Mr. *B. Blakemore.*] Is it your opinion that these tribunals of arbitration and conciliation would be operative between masters and workmen, and between workmen and themselves?—I think they would be very beneficial, and I think they would work, supposing both parties were agreed, but I have noticed an indisposition on the part of one of the parties, at all events, to arbitrate.

2197. Do you refer to the masters?—The indisposition would be on the part of whichever had the advantage. I am not prepared to say that one is any better than the other; but the advantage is generally on the side of the masters; it is the masters who have usually, in fact always, as far as I know, been adverse to arbitration.

2198. Do you think it would be practicable, in case of a dispute between the workmen themselves, and a strike in consequence of that, that they should remain at work until the dispute was settled, either by themselves or by the Courts of Arbitration?—I think that if the arbitration were called in before the strike took place (supposing that very desirable thing to happen), the work would go on precisely the same as usual; nobody would ever think of going away while the dispute was pending before the arbitration, and I think that the time occupied by the arbitration, supposing that both parties were agreed to arbitrate in the middle of a strike, would be inconsiderable; it would not be worth mentioning.

2199. Supposing that there were a collision among the workmen themselves, and between the workmen and their master, the master having availed himself of labour at a lower price than some of the workmen were willing to submit to; is the work to stand still until the workmen have settled for themselves, or the Court of Arbitration have settled for them, whether the master should give the higher price or the lower price for his work?—I do not think it would be of any consequence at all, because it would be done in a day or two; unless the parties wished to prolong it, it would be done in a couple of days.

2200. Mr. *Cobbett.*] You are the secretary to the Bookbinders' Association, I understand?—Yes.

2201. How long have you been occupied in that way?—Since 1840.

2202. Have any disputes arisen, of considerable magnitude, between the workmen and their masters during that time?—There have been a few disputes, but they have not been of any magnitude.

2203. Have they gone so far as a strike?—Yes, in about three or four instances.

2204. On what account were those strikes?—One was on account of the employers desiring to employ anybody on the work, without his being in the trade.

2205. Was that objected to on the part of the workmen?—Of course.

2206. Why did they object to it?—They objected to parties being employed who were not in the trade.

2207. Was not the objection to persons being employed who had not been apprenticed in the trade?—Precisely so.

2208. Was that dispute confined to one workshop?—It was confined to one workshop. In fact, we had endeavoured to avoid strikes as much as possible.

2209. How was that dispute settled?—It lasted a good while. Neither party gave in, and finally I believe that the employer ceased to employ so many workmen, as had caused the trouble in the first instance, and then the dispute ceased.

2210. It was a sort of compromise?—A tacit compromise.

2211. Would a court of the sort that you have heard suggested in this Committee have interposed to prevent the strike continuing so long?—Probably it might have been difficult to have interfered in that strike. It was so partial, that it only extended to one shop. I do not think there would have been any trouble about it.

2212. Do you contemplate, by the agency of these courts, any interference between masters and men in particular instances?—I do, where those instances are of sufficient magnitude.

2213. This was a specific instance between one master and his men; in what way would you have had that dispute settled, by any court that you have contemplated?—That certainly has not occupied my mind at all. I do not think that we should have troubled ourselves about that.

Mr. *T. J. Dunning.*

24 April 1856.

2214. How many men were employed by that master?—About 13 or 14. It was a trifling dispute.

2215. Have any disputes arisen, in the time that you have been the secretary, in reference to wages?—There have been no disputes of any magnitude. There have been disputes which have caused one or two men to leave. I think as many as five have left on one occasion.

2216. Then the disputes have not been of any great importance?—No; and, in fact, it has been our endeavour, as far as it possibly could be done, to prevent strikes.

2217. Your association is formed of working men, is it not?—Yes, of the journeymen of the bookbinding trade.

2218. When a dispute, such as you have just mentioned, arises between the masters and the men, does your association take any measures whatever to reconcile the two parties?—If it has been found practicable, I have been deputed, either alone or along with one of the committee of the society, to wait upon the employer, and to endeavour to adjust the matter, and to understand how the thing stands from his version of it, and to explain to him the various points in dispute, with a view to conciliate, and sometimes we have succeeded and sometimes not.

2219. In the instance which you mentioned in the dispute just now, between the masters and the men, with regard to persons being brought into the trade who were not generally employed in it, did you interfere?—There happened to be no interference at that time on our part by deputation from the committee, such as I have alluded to.

2220. You have only interfered in a few instances with regard to wages?—Fortunately they have not been numerous.

2221. Mr. *A. Pellatt.*] You have spoken of having effected a conciliation in one workshop; is there not an association of the masters generally?—There was in 1839 an association of the employers, and I believe it extended to a subsequent period; whether it exists now I do not know.

2222. On the part of the association of which you were secretary, you did not meet another association of the masters, but you simply met the master of the particular workshop in which the dispute arose?—I simply met the master of the shop in which the dispute was likely to take place.

2223. Supposing that the master of the particular shop should have been obliged in consequence of your interference to give a higher amount of wages, and that you did not take any steps against the other masters, would not that have had an injurious effect upon that particular master?—If he did precisely the same work as another master, it is naturally to be inferred that he would give the same price for it, and his giving more wages for the same work would be to his injury; but that is not the point that we attend to, because we do not know anything about it; some masters we are told afterwards take work very low, and seek to make out the difference in the wages, and other masters we are told get a good price; we do not know that; we only hear that a master does the work low. When it comes out that he does do it so low, then it naturally follows that he must make a reduction in the wages.

2224. You only make the master who pays the low wages pay the same wages as the respectable master?—Precisely so.

2225. *Chairman.*] In this dispute which occasioned the strike between the employer and the parties in consequence of his taking men into his shop not belonging to the trade, do you consider that if there had been anything like equitable councils, such as we are speaking of, established, it would have stopped the dispute?—It is very likely that its interference might have had a beneficial effect.

2226. Either by inducing the master not to employ persons not in the trade, or by satisfying the trade itself upon the subject?—Precisely so; and I might say, that trade societies, both of masters and journeymen, might make it one of their rules to do so, as the printers have done; they have formed an arbitration committee.

2227. Mr. *A. Pellatt.*] Do you approve of that, as far as you know it?—I do.

2228. *Chairman.*] If, then, these parties can arbitrate between themselves, in your opinion is it necessary to have any legislative enactment upon the subject?—Yes, I think it is necessary, in order to meet such cases as the dispute of the amalgamated

amalgamated engineers and the Preston lock-out; they are most unfortunate instances of that kind; I think a tribunal of this sort would have great weight; in fact, where parties are willing to arbitrate, it is not likely that there would be any dispute at all; it is because they are not willing to arbitrate that the dispute arises, and that is the great hitch in the matter; they will not arbitrate, and therefore it is that I take the liberty of repeating, that if there were a tribunal formed of the sort I have suggested, a man who said he would not arbitrate, should have an opportunity of being asked his reasons; he might think he had good reasons; then he would have the opportunity of stating them, and then these reasons being found insufficient by a tribunal, impartial, and believed to be impartial by those who resort to it, the most beneficial effect would follow; he would have the opportunity of stating his reasons; it would be public; his reasons would therefore come before the public, and this tribunal having the power, and being impartial, for that must be a *sine quâ non*, would either say, your reasons are good, and you have no occasion to arbitrate, or your reasons are not good; it is public, and it will be plainly seen that his reasons were not good, supposing such to be the fact, and the decision of that tribunal, saying that they approved of arbitration, would, I think, be considered a just one, and carry all the weight of a just decision.

2229. Mr. *A. Pellatt.*] Do you think that it would be just if he were forced to arbitrate?—I do; but I apprehend that if you forced him in the first instance, without calling upon him to give reasons why he should not be forced to arbitrate, it would not be felt to be just.

2230. Lord *J. Manners.*] Do I rightly understand you to say, that although you would compel those parties who thought their own cause so strong, that they objected in the first instance to arbitrate, you would not compel them to abide by the decision of the arbitration court?—Yes; I mean that they shall not only arbitrate, but that they shall abide by the decision of the arbitration.

2231. Did not you say just now, that you objected to make the award of the arbitrator compulsory upon the parties?—I object to make it compulsory upon them to arbitrate, without the opposing party being heard; but if the tribunal that I have mentioned should decide for an arbitration, after hearing both parties, then my opinion is that they should arbitrate, and the decision of the arbitrator should undoubtedly be final, without appeal therefrom, like any other arbitration.

2232. Mr. *Ingham.*] Do you propose that the party to whom resort should first be had, should be appointed by the Government?—Either appointed by the Government, or elected by any other process; but this might be a stationary appointment.

2233. He is to say whether there is sufficient matter of doubt to justify your resorting to arbitration?—Precisely so.

2234. If a person's case is perfectly clear, he is not to be compelled to have recourse to arbitration?—Certainly not.

2235. He is to be a sort of grand jury, to ascertain whether there is sufficient matter of dispute to justify further proceedings?—Precisely so.

2236. Then you would not make it compulsory upon every one to have recourse to arbitration, but you would force them to have recourse to arbitration if the preliminary process shows it to be necessary?—Just so.

2237. Any one of the disputants may go to this preliminary court, and then if they think there is such a question as should be discussed before an arbitrator, it is compulsory upon each side to go to arbitration, and to carry out the decision of the arbitration?—Yes; if the preliminary tribunal could be elected by the masters and journeymen, it would be so much the better certainly, but I am afraid they would not do so; they do not want to arbitrate; it is because one party thinks that he has the advantage that they do not want anything of the kind.

2238. *Chairman.*] Would not the fear of a strike induce the masters to consent to arbitration?—It is very likely it might, and if an offer of arbitration was made in the first instance, and if both parties agreed to it, there would be no occasion to go to this tribunal; it is only because the parties refuse to arbitrate that we go to this tribunal; if they would arbitrate voluntarily, so much the better; it would be the best thing for all parties.

2239. Mr. *B. Blakemore.*] Are you aware that in trades where very large manufactures are employed, the masters are of various degrees and various amounts

Mr. *T. J. Dunning.*

24 April 1856.

amounts of stability in point of capital, and in carrying on their trades?—Certainly.

2240. Supposing that these courts of arbitration were established, either voluntary or compulsory, there might be masters of large capital in some trades who would wish to have nothing to do with the courts of arbitration. Supposing that an employer were to put up in his manufactory a list of rules, one of which might be to the following effect: "All questions of dispute to be settled between ourselves and our workmen;" should these courts of arbitration be allowed to interfere in such a case?—Undoubtedly; if there was a dispute, and the journeymen, being the parties most likely to do so, desired to arbitrate, I should say they should be allowed to do so; they would of course mention their intention to their employer, and their employer would either refuse or not; if the employer went to arbitration, well and good; if he did not go to arbitration, then they should refer to these tribunals, which I beg to say would be much better if elected by masters and journeymen, than if appointed by Government.

Mr. *John Ferdinando*, called in; and Examined.

Mr. *J. Ferdinando.*

2241. *Chairman.*] WHAT is your situation in life?—I was formerly an operative in the silk trade, but very recently I have sold goods about town. I was brought up in the silk trade.

2242. Have you considered the subject of strikes, and how they could be prevented?—Yes; I have paid some considerable attention to the question of strikes, and I see no better way of preventing strikes (which I consider the greatest calamity that can possibly occur to the working classes, and also a great evil to the masters) than by the establishment of Boards of Trade. I say Boards of Trade, because it is a term that is used in the district of Bethnal Green and Spitalfields.

2243. Will you state your reasons for that opinion?—Those Boards of Conciliation would be fairly constructed. There would be an equal number on either side, and in the event of any dispute, either party might demand an arbitration; and in that case it should be compulsory on the other side to agree to that arbitration. The arbitrators would meet and discuss the points at issue, and having come to a decision, that decision should be final, whether it was in favour of the men, or in favour of the masters; and I certainly do believe that the working classes generally, from the experience I have had with them, and I have had very considerable experience, would regard an arrangement of that kind as one of the greatest boons that could be conferred upon them.

2244. Do you think that it would prevent strikes?—I think that it would prevent strikes. I am certain that the working classes generally would fall in with such an arrangement, and would be willing in all cases to abide by the decisions of the tribunal. With regard to those Boards, I would not go so far as to say that they should be for the regulation of wages from time to time, or to say that a certain amount of wages should be paid for a certain period of time, though I am altogether in favour of an arrangement of that kind.

2245. They should not be compulsory, but voluntary on that point?—In my view, it would be useless to apply to Parliament for a Bill of that character. Some years ago I was on a committee appointed to prepare a Bill for what we call Local Boards of Trade, and the idea was, that those Boards should be formed of an equal number of masters and operatives; that they should meet something like four times in the year, and should regulate the wages to be paid for the ensuing three months; but after paying very considerable attention to the question, I came to the conclusion, that to apply to Parliament for a measure of that kind would be a waste of time and money too; but in regard to the other matter, the settlement of disputes either in reference to wages or any other matters by those courts of conciliation, I think that we could consistently go to Parliament for a measure of that character, and stand a very tolerable chance of getting it. From all that I can ascertain, there does appear to be a growing feeling against the strike system, not only on the part of the operatives, but of other persons also; the public at large see the great evils of strikes, and I believe that the nation generally would coincide with, and would help on any measure that would prevent them. The fearful amount of physical suffering that I have witnessed among the workmen in order to gain their point, has really been of the most shocking character. I have seen in the depth of winter, the very stove pulled

out

out of the fire-place by the weaver to sell it, in order to procure food, so that they might continue their strike; and from information that has been given to me by persons who have been on strikes, the Preston operatives, and the type-founders, and many others, it really does appear that the workmen will endure any amount of physical suffering; in fact I have seen stout, strong, healthy men reduced to mere skeletons, rather than be defeated upon the point that they have struck upon.

2246. Do you think that this great mass of misery might be prevented by some sort of Councils of Conciliation?—I am certain that the entire amount of it might be prevented in that manner. For instance, in the "lock-out" of the Preston people, they were quite willing to abide by the decision of an arbitration fairly appointed, and there was a portion of the masters who were also willing that the question should be settled by arbitration; but there was another portion who were opposed to it. Now if the Board of which we have spoken had compelled them to arbitrate, I think it would have been an act of humanity, and also an act of justice. I do not see how, on the principle of free trade and the Manchester principle, which undoubtedly is so dominant at the present day, there could be any valid objection raised against an arrangement of that kind being made compulsory.

2247. Would you apply compulsion to enforce the decisions of these equitable tribunals if the mass of the workmen refused to agree?—That is supposing a contingency that really would not come to pass. I believe that the mass of the workmen would readily coincide, and hail with joy the decision of a Board of Conciliation.

2248. Do you agree with some witnesses who have preceded you, that the force of public opinion would induce the operatives to obey the decision of the Board of Arbitration?—Yes; I quite coincide in that opinion.

2249. If the Board were to consist of an equal number of the masters and workmen, what sort of a chairman would you have?—I think the chairman would be better appointed by the Board themselves. I apprehend, in the event of a measure of this character being passed, there would be a great number of Boards for London only: for instance, there would be one for the silk trade; there must be two for the shoemakers, one at the East end and one at the West end, because the character of the work widely differs at the two ends of London. Then with regard to the tailoring trade, and many other trades, there must be Boards of this sort; so that there would be a very considerable number of these Boards in London only. I think that the best method for the appointment of the chairman would be that he should be chosen by the Boards themselves; and I think that the chairman should be a gentleman of the legal profession; I think that he could be paid either by all the Boards, or else that there should be a sort of county rate, or some kind of rate formed, whereby the chairman could be paid.

2250. In this town there are perhaps 150 different trades, some of which would require two different Boards of Conciliation; how would you supply all these Boards with chairmen?—If it was found that one chairman was not sufficient for London, there should be two appointed; my view of the case is this, that the Boards, as far as they possibly could, should dispense with the services of the chairman, and that the chairman should only be called upon to act in the event of their not being able to come to a decision themselves; for instance, suppose there is an equality of votes, in that case they should go before the chairman, and state the case, and he should give a decision; of course his vote will be the seventh vote, which would decide the point at issue.

2251. Would you make that decision compulsory?—Decidedly so. I would make it compulsory just in the same way as it was in the Spitalfields' Act; the Spitalfields' Act was compulsory in this way, that any master guilty of a violation of it was fined 50*l.*, and the fact of there being that fine prevented any infraction of that Act.

2252. Would you have the decision of this council extend itself to the regulation of wages?—No; I think I would not. I would not, on the score of policy, go so far. I think it proper that it should be so. I am altogether in favour of regulation. I think that regulation and civilisation are one and the same thing; but knowing full well that the Manchester principle is so predominant in Parliament, I should not contemplate asking Parliament for a measure of

Mr. *J. Ferdinando.*

24 April 1856.

that kind; but I think that these Boards would tend very materially to that point.

2253. Are you aware that there is great difficulty in ever legislating upon a man's wages; because a man's wages are his own property as much as the coat on his back?—I am aware that it is said that a man's labour is his own property; but really it is not so to the extent that many persons suppose. When a master offers a certain amount of wages, the man is compelled to accept them. I think that the liberty is more on the side of the master than it is on the side of the man. Because the man must either take the wages offered, or he must starve to-morrow; whereas the master can afford to wait awhile: he can watch his opportunity.

2254. Cannot the workman turn himself to some other occupation?—It is a very difficult thing to do so. I know when I was working in the silk trade, if I had had a mind to turn carpenter, or tailor, or any other thing, I should have found a great difficulty in getting employment. When a man has settled down to any particular kind of employment, it is a difficult thing to get away from that species of employment.

2255. Was there great suffering in the silk trade when the strike took place?—In the strike of 1841, there was a fearful amount of suffering. It was a very hard winter. I know full well that the operatives sold well nigh everything that they possessed before they gave way to the masters. They were ultimately beaten, but the very stoves were pulled out of the fire-places. It was in the depth of winter, in the months of January and February.

2256. Have you reason to believe that these Councils of Conciliation, if formed in the manner you have mentioned, would, generally speaking, prevent these unfortunate strikes?—That is my decided opinion. I think that they would generally do so, that the working classes would be glad of the opportunity they would afford for arbitration.

2257. Have you seen the Act which provides for a reference to the magistrates in cases of dispute?—Yes; I am aware of the arbitration law.

2258. It does not go far enough in your opinion?—The Arbitration Act is very excellent, but the medium of it is very bad; I mean the police courts; the feeling of the operatives in regard to police courts is this, that there is a sort of criminality attached to being summoned.

2259. Is that objection occasioned by the influence of modern opinion?—Just so; and I have found that the magistrates really know little or nothing respecting the arbitration law; for instance, if a man wishes for an arbitration, he goes to Worship-street for a summons, and he is frequently put off from time to time before he can get his summons, and then when a summons is granted, the arbitration is not properly appointed; in the event of the arbitrators not agreeing, they come before the magistrate, and we find that from his not understanding the technicalities of the trade, and not properly understanding the law, very frequently blunders are made, and very frequently it has occurred that the arbitration has been wound up, and a decision given by the magistrates under another Act of Parliament, under an Act of Parliament that clearly does not belong to the silk trade at all.

2260. Then you think the Act is inoperative?—There is a very strong objection in the district of Spitalfields and Bethnal-green in regard to the arbitration law being carried out through the medium of a police court; and I have also found that the officials of that court are very much opposed to us; they cannot understand us, and when the case comes on, they often keep us a considerable time, and prevent any case of arbitration as far as lies in their power.

2261. Lord *J. Manners.*] Would you exclude all questions of wages from the decisions of these Boards of trade?—I say that with regard to the subject of wages, they should have the power of deciding in this way; for instance, suppose there is a dispute with regard to wages, such as that of the Preston operatives, or the engineers, or those which have very frequently occurred in the silk trade, in which some 20 or 25 manufacturers were willing to pay the additional 2 *d.* or 3 *d.* per yard on velvet, but three or four of them stand out; on account of the three or four standing out, the workmen fail to get the 3 *d.* which they seek.

2262. Do I understand you to mean that you would put these cases under the decision of this tribunal?—Cases like that would fall under the cognizance of these tribunals, and they should have the power to adjudicate upon them.

2263. Mr.

2263. Mr. *B. Blakemore.*] As to the specific strikes which you have alluded to in 1841, in which you said there was great suffering among the workmen, amounting nearly to starvation, do you know whether the employers suffered also?—No, the trade unfortunately was rather flat just then; it happened about the time of the year that the trade is flat.

2264. Then is it not probable that the master had not ample means of giving employment at high wages at that time?—He could not employ the whole of the operatives, but I presume there was no need for any reduction of wages whatever.

2265. That was the opinion among the workmen?—That was the opinion of the workmen, and it was also the opinion of a great number of the masters. On that account the workmen met and struck against it; when some few of the manufacturers made a reduction, others were compelled to follow, so that the whole trade suffered in consequence of that.

2266. Do not French and foreign silks come greatly into competition with the Spitalfields manufacturers?—They have not for several years past.

2267. Was it not so in 1851?—There was an amount of competition at that time; but the silk goods that come from France, have to a very great extent superseded the manufactures of Spitalfields.

2268. Has not the competition with France been very keen?—The competition was very keen some years ago; after the repeal of the prohibition laws, the competition became keen, and ultimately the old-fashioned trade of Spitalfields passed away. There is a new order of trade sprung up, such, for instance, as low velvets and parasols, which is now the staple trade of Spitalfields; whereas formerly it consisted of light fancy articles, which have now been superseded by the French article.

2269. You stated that the workmen had no alternative but to take the master's offer of wages or to starve; are you not aware that by the provisions of the poor law in England, the honest industrious man is not allowed to starve?—Yes, but unfortunately the poor law is very hard in Bethnal-green and Spitalfields. If a man throws himself upon the parish, he is put to stone breaking and picking oakum. The silk weavers are obliged to keep their hands clean, and their hands must be smooth; if a man is put to stone breaking and oakum picking, it is impossible that after he has been at that kind of employ, he can work upon silk.

2270. Do you mean to say that the poor law as administered in this district in such a manner that a strike is preferable to being submitted to the poor law provisions?—Decidedly.

2271. Lord *J. Manners.*] Was not that more the case in 1841 than it is now?—It is carried out now; suppose, for instance, trade becomes bad, and there are a great number of workmen thrown out of employ; they go to the union workhouse, and are put to this kind of employment; at the present time I am not aware whether it is carried out in the same manner in other unions, but that is the style of Bethnal-green union; that is the sort of work that is found for the men there. I wish to speak in regard to the Act of Parliament which applies to the silk trade, commonly called the Ticket Act. There was an observation made by a former witness that the Ticket Act was of little or no use; now my opinion is, that the Ticket Act is a very excellent Act indeed, and prevents a great deal of dispute, because the ticket sets forth the conditions of the contract.

2272. Mr. *B. Blakemore.*] When was that Act passed?—It was passed in the year 1845. It is the 8th & 9th Vict. c. 128.

2273. What is the title of the Act?—It is called "An Act to make further Regulations respecting the Tickets of Work to be delivered to Silk Weavers in certain cases." This Act contains a very excellent provision, which is an amendment upon the old arbitration law, and it would be well if the same provisions applied to other trades as well as to the silk trade. It runs in this way: that if the man takes home his work, and the master refuses to pay the wages, he is bound to give the man notice of arbitration within 24 hours; and if he omits giving that notice of arbitration, the man has the power of suing him before the magistrates, and the master is fined 5*l.* for stopping the wages, and not having the work arbitrated.

2274. Mr. *Cobbett.*] What clause is that?—That is clause 7.

2275. Lord *J. Manners.*] Does not this apply to the silk trade only?—Yes.

Mr. *J. Ferdinando.*

24 April 1856.

2276. In that trade have you a class of men called middle-men?—There are some men of that kind, but it is not the system; we call them long shop men; that is, the men who have a large shop, and employ journeymen; but the system of middle-men is not known; the general principle in Spitalfields and Bethnal-green is to take work directly from the master.

2277. In the instances in which there are middle-men, are you aware whether, under that Act, they would be regarded as master or as men?—That question has not been tried; but in the event of any dispute arising between what is called the journeyman and one of these middle-men, it is the opinion of myself and several others who were instrumental in getting this clause introduced, that this clause would equally apply to the middle-men as to the master manufacturers.

2278. Do you think that the middle-man, for the purposes of that Act, would be regarded as a master?—Yes; he would stand just in the same position; for the journeyman is employed by the middle-man; he knows nothing whatever of the master; the middle-man is his master.

2279. *Chairman.*] Is it your opinion that such a clause as that would be generally beneficial?—It would be highly beneficial in all trades; that where the master felt disposed to make a stoppage of wages he should be compelled to give notice of arbitration, or else be liable to forfeit 5 *l.* for every offence. That has prevented a great deal of tyranny and robbery, as we call it in our plain manner of speaking, because they are now compelled to give notice of arbitration.

2280. Your opinion is, that such a clause introduced into this Councils of Conciliation Act would answer a useful purpose?—I think it would be very excellent indeed.

2281. Lord *J. Manners.*] That does not affect the settlement of prices prospectively?—No; it is merely in questions of dispute. A man will take home his work, and if the master says, there are damages, I will stop you 10*s.*, or 20*s.*, and he is compelled to give the man notice of arbitration in order to determine whether there is that amount of damage; and if he does not give the notice within 24 hours, he is liable to a fine of 5 *l.* for the first offence, and 10 *l.* for the second, and so on.

2282. *Chairman.*] How would that arbitration take place?—That is the simple mode of arbitration. There are two modes of arbitration. For instance, a man will take home his work, and the master says he has damaged the work, and gives notice of arbitration. The man calls in one of the operatives to be his arbitrator, and the master calls in one of the masters, and they proceed to the arbitration at once. I have known cases of arbitration of that character settled in the course of half an hour. The man has gone out, and seeing one of his fellow-workmen pass, has called him, and said so and so is the case; this work has got to be arbitrated. And the master sends next door for one of the other masters, and the matter is settled in a very short time.

2283. Lord *J. Manners.*] If the arbitrators differ, what is done next?—If they differ, they go before the magistrate, and the magistrate not understanding the technicalities of the trade, is altogether at sea, and very frequently a wrong decision is given. I should wish to call attention to one particular instance of this mode of arbitration, in which I was aggrieved myself; but I will first read this clause, which provides for what we term the simple mode of arbitration.

2284. Mr. *Cobbett.*] What are you quoting now?—The old Arbitration Act, 5 Geo. 4, c. 96, clause 13: "Provided always, and be it further enacted, that as well in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement shall be valid, and the award and determination thereon final and conclusive between the parties, and the same proceedings of distress, sale and imprisonment, as hereafter mentioned shall be had towards enforcing such award." All that can be done without going before a magistrate. I was appointed, some two years ago, as arbitrator in a case under this particular clause, and the master refused to go on any further with the case; the man happened to be on the wrong side; I felt this on the part of the man, and therefore I did not think it well for him to go before a magistrate. The master allowed the case to drop, but something like six weeks after he applied for a summons for wilful damage, under another Act of Parliament. I went up with the man, and it was stated to the magistrate that there had been an arbitration, and that the master had allowed that arbitration to fall. The magistrate then determined that the arbitration should be resumed, and then both of us made our statements to the magistrate,

and

and after we had contended some two or three hours, the man was finally condemned under an Act of Parliament that really belongs to the framework-knitters, and to nobody else. Mr. *J. Ferdinando.* 24 April 1856.

2285. Mr. *Cobbett,*] What is the title of that Act?—It is the 6th & 7th Vict. c. 40.

2286. *Chairman.*] It has nothing to do with the silk weavers?—Nothing whatever to do with them. The case commenced in arbitration; the arbitration was allowed to fall, the failure being on the part of the master. The man was summoned under the Framework Knitters' Act; the arbitration; was resumed, and after every thing had been conducted according to the arbitration law before the magistrate, the man was finally convicted under the Act of Parliament. I will just read a clause which will prove that this Act of Parliament has nothing to do with the silk trade: "And be it enacted, that this Act shall not extend, or be construed to extend to any manufacture, trade, occupation or employment, except only the manufactures, trades, occupations and employments following: that is to say, the manufacture of woollen, worsted, linen, cotton, flax, mohair, or silk materials in, or by the stocking-frame, warp-machine, or any other machine employed in the manufacture of framework, knitted or looped fabrics, and every trade, occupation, operation or employment whatsoever, connected with or incidental to, the manufacture of stockings, gloves and other articles of hosiery." That has nothing whatever to do with the broad-silk trade. We have frequently protested at Worship-street Court that this really does not belong to us; but notwithstanding that, they will persist in applying this Act of Parliament to our trade.

2287. Lord *J. Manners.*] Was that a stipendiary magistrate?—Yes; it was one of the police magistrates, named Mr. Hammill.

2288. Did I understand you to say, that the proceedings were taken not under the Silk Act, but under the Framework Act?—The proceedings in the first instance were taken under the Arbitration Act, and then the master dropped the arbitration, and took out a summons under the Framework Knitters' Act, and came before the magistrate; the arbitration was resumed, and finally the man was convicted under the Framework Knitters' Act.

2289. You stated that you believed that the middle-man in your trade would be regarded in the light of a master?—Yes, under the Ticket Act.

2290. Supposing that the impression is incorrect, and that legally they are not regarded in the light of masters in those trades in which they are very numerous, would not the Ticket Act be a complete failure?—It would be so far as the middle-men are concerned; where the work is given to the middle-men, of course it would be inoperative if the middle-men could not be placed in the same position as the manufacturer; but the question is, whether the middle-man really does stand in the same position as the master manufacturer; that is the point to be determined; that point has not yet been determined in our district, because, in fact, middle-men are not known.

2291. *Chairman.*] You apprehend that the magistrate misjudged the case by summoning the workman, and deciding upon an Act that did not apply to the case?—Yes.

2292. Mr. *B. Blakemore.*] What was the penalty that was paid in that case?—There was a penalty of 10*s.*; the man was to pay 1*s.* 6*d.* per yard damage, and 10*s.* fine.

2293. The conviction in that case was for 10*s.* fine?—Yes.

2294. Supposing it had not been paid, what would have been the alternative?—One month's imprisonment; the man paid the 1*s.* 6*d.* per yard, and the 10*s.*

2295. Mr. *Cobbett.*] You say that the man's name was John Denton?—Yes.

2296. Do you know the whole particulars of the case?—Yes, I was the arbitrator; I was engaged by the man to defend him.

2297. The master himself was the complainant?—Yes.

2298. Did the master wish for the arbitration?—The master wished for the arbitration, according to the simple mode of arbitration which I have described.

2299. How long was it after the time that the first arbitration dropped before the man was brought before Mr. Hammill, the magistrate?—Six weeks.

2300. Was he summoned to go before the magistrate?—He was summoned under the Framework Knitters' Act.

Mr. *J. Ferdinando.*

24 April 1856.

2301. Have you the summons?—Yes; the Act contains the summons. I inquired of the magistrate whether the summons was issued under the Hosiery Act, and his answer was, yes.

2302. What clause was it that he was convicted under?—Under the 7th clause.

2303. Mr. *A. Pellatt.*] You do not so much complain of the injustice of the decision, as of the wrong Act under which it took place?—I complain more of the decisions being given under this Act of Parliament than I really do of the decisions themselves.

2304. Did not you say that you thought that in this case the man was wrong?—I think the man was wrong most undoubtedly.

2305. It is not right to take proceedings under one Act, and convict under another?—Certainly not; but really the arbitration law provides amply for things of that character. It very frequently occurs that the operatives are summoned under the Act of Parliament, the Framework Knitters' Act, although there are ample provisions under the arbitration law.

2306. *Chairman.*] Do the magistrates confound the one with the other?—Yes. I give this evidence to show that in the police courts at the present time the system of carrying out the arbitration law is altogether wrong.

2307. And you are of opinion that those clauses to which you have referred might be put in very well in the Councils of Conciliation Act?—Just so.

2308. What is the title of the Act to which you have just referred?—It is 6 & 7 Vict., c. 40. It is intituled "An Act to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further securing the Property of the Manufacturers, and the Wages of the Workmen engaged therein." May I be allowed to state that there was something said a few days ago respecting the operatives of Bethnal-green and Spitalfields working on Sunday; I should be sorry for anything to go forth to the world that was not strictly correct; it is a physical impossibility that these people should work seven days in the week; sometimes it does occur that a man will work on Sunday, but it is not a general thing. I should be sorry to make a statement that was incorrect in the least degree, but I believe that the man who made that statement knew that it very often does occur in the neighbourhood where he lives; but, take the trade generally, the operatives do not work on Sunday; it would be a physical impossibility: I never worked on Sunday in my life, and I do not believe that my family ever did, and I know of thousands who never work on Sunday.

2309. Mr. *Kinnaird.*] You know that there are some men that do work on Sunday?—Yes; but it only occurs now and then, when a man is finishing his work.

2310. *Chairman.*] It is not the rule, but the deviation from the rule?—Yes.

2311. Mr. *Kinnaird.*] The Committee understood from the evidence which was given by a former witness, that the wages were so low that it was impossible for a man to support himself and his family without working on Sunday; is not that the case?—The evidence was, that the wages are so low that a man might feel disposed, upon account of the lowness of wages, to work on Sunday, but it is not the fact that he does so; there is such a strain upon the physical powers and the mental faculties in our trade, that they would give way if they were so employed.

2312. *Chairman.*] Did not you say that there is a confusion in the law with regard to the subject of arbitration?—There is, and sometimes it occurs that the whole court is in a state of entire confusion when these cases come before it; the magistrate will be talking, and the officers about the court will be talking also.

2313. Then you think that the police court is a very bad court for you to go to?—It is decidedly so; the operatives do not go there if they can possibly avoid it.

Martis, 29° die Aprilis, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Cobbett.
Mr. Pollard Urquhart.	Viscount Goderich.
Sir Henry Halford.	Mr. Booker Blakemore
Mr. Apsley Pellatt.	Mr. Kinnaird.
Mr. Wise.	Mr. Leveson Gower.
Lord John Manners.	

WILLIAM ALEXANDER MACKINNON, ESQUIRE, IN THE CHAIR.

John Hammill, Esquire, called in; and Examined.

J. Hammill, Esq. 29 April 1856.

2314. *Chairman.*] I BELIEVE you are a Police Magistrate?—Yes, at Worship-street.

2315. You have been there for some time?—I have been there for nine years.

2316. You are aware that the Committee are assembled here for the purpose of ascertaining whether some arrangement might be made to prevent the difficulties which arise between masters and workmen, and also the strikes which follow them. Will you state to the Committee the result of your experience upon the subject?—My experience, I should state to the Committee, is almost exclusively confined to the working of the Silk Acts, Spitalfields being in my district of Worship-street. By the Silk Acts, I mean the 6 & 7 Vict. c. 40, and 5 Geo. 4, c. 96.

2317. Sir *H. Halford.*] Is that the Ticket Act?—That is the Arbitration Act; the Ticket Act is, I think, the 8 & 9 Vict.

2318. *Chairman.*] Will you have the kindness to state to the Committee whether you consider the Act, to which you have just now alluded, is sufficient to answer the purpose?—As far as I am concerned, as being in reality the tribunal which must, in the last resort, decide, it is always exceedingly unsatisfactory to me. The constitution of the arbitration is this: three operatives and three masters attend before me; one operative and one master are selected on each side; I always say to them: I hope you will be able to settle it; but there is not the least probability of their doing so: it is sure to come back to me. The one of these parties being a master and the other a man, they do not see the thing in the same light; it is a struggling trade, which is, I believe, gradually leaving the district for the north, and there is not a very kindly feeling between them. The labourer forms a very valuable article, and derives very little benefit from it. I believe the average they earn is not more than 10*s.* a week, therefore there is not a very kindly feeling, as you may suppose, existing between the masters and the men, and they will attend before me, and what one asserts the other denies; therefore, I know when they leave the court they will not agree, and that I shall have to decide ultimately. It is most unsatisfactory to me, because, of course, it is a matter of skill, in which I am not versed; for instance, a dispute will arise as to whether a piece of work has been done in a workmanlike and efficient manner; one party says that it has, and the other that it has not: they bring the material, and put it to me, and say—for instance, the man says, "It is the fault of the material; I could not do the work any better;" the master asserts that the material is perfectly good: how am I to come to any conclusion? The piece (it may be a piece of velvet or silk) is put before me, and I am told to look at it, and judge, and I feel my inefficiency as a tribunal in the last instance; and I have often thought there might be a person versed in that particular business, appointed as a paid commissioner, or whatever you may call him, totally above all suspicion; or even if it is thought that the magistrate ought to decide, he might have an assessor of

J. Hammill, Esq.

29 April 1856.

that sort to call in to his assistance. For it is, as you may suppose, a most painful thing to me to have to come to a conclusion, not knowing anything whatever of the material, upon the assertions on the one side, and the contradiction on the other.

2319. Then you think that this Act is scarcely satisfactory, inasmuch as by putting the decision in the hands of the magistrate, it places him in the situation of coming to an opinion without any materials to form one from?—Certainly; there are cases that I lament exceedingly when they are brought before me, for that reason. Of course it is my duty to conciliate as much as I can between the masters and the men; but there is a feeling between them that victory is required on the one side or the other, so that it is not possible for me to conciliate both as much as I could wish.

2320–21. It appears by the evidence which we have had from operatives that come before us, that they have felt a great dislike to going before a magistrate, because it must have appeared either that they had been culpable, and also that there was a difficulty arising, from the fact that the magistrate in the manufacturing districts might be connected in some measure, either directly or indirectly, with the employers; do you think that those objections are well founded?—It possibly might be so in the manufacturing districts where a successful manufacturer is probably made a magistrate.

2322. Your conclusion is, that this Act is by no means efficient for the purpose for which it is intended?—I think not; that is my opinion from what I have seen of its working.

2323. Mr. *A. Pellatt.*] Do you allude to both Acts?—No; to the Arbitration Act.

2324. *Chairman.*] Have you turned your consideration to any suggestion which might be made as to its improvement?—It would be desirable to assist the magistrate, if he is to remain the judge of these matters, by appointing a person skilled in the business who can give him an independent opinion.

2325. The impression of the Committee, from the evidence we have received, is, that it would not be advisable to have a reference to the magistrate at all; are you of that opinion?—I tell them openly, that "This is the worst possible tribunal you can come to, for I know nothing about it;" it is a matter of skill, and a man must have an apprenticeship to know anything about it; what is the cause of your work being bad, whether the material is bad or not, I cannot tell that; a skilful workman might, I suppose, from looking at the piece, be able to tell it.

2326. Does it appear to you that the difficulty would be less, supposing there were a legislative enactment to the following effect; say that six operatives and six masters should be appointed by the respective bodies to form a Court of Arbitration, and that some individual conversant with that particular trade, but totally unconnected with either side, should be appointed as chairman, with a casting vote?—It might be a difficult affair to get a chairman, as a man of skill; he must be a man conversant with the trade, either as a master or an operative; the difficulty would be in finding a qualified person who, as I said, must come out either of the class of masters or of operatives; and so strong is the feeling between the two classes, that the decision would be sure to go according as the chairman belonged to one side or the other.

2327. Suppose a highly educated individual was appointed by the Board of Trade, or by any Board which was above any suspicion of feeling in favour of either party; would that answer the purpose?—A man may be highly educated, and yet know nothing of the quality of silk.

2328. If any person were taken from the particular trade, would that answer the purpose?—If he were in the trade, you would come to the difficulty that he would be either a master or a man; I have several times spoken both to the operatives and to the masters upon that subject, and there is that great difficulty always met with; for instance, if you have a retired master, a man who began at the bottom, and by his industry worked his way up to independence, and as a master made his fortune and retired; such a man as that might possibly answer, but even that would not be satisfactory.

2329. The substance of your evidence is this, that the present Act referring these cases to the magistrates, ought not to be continued, as being very inconvenient, and not doing justice?—I think so.

2330. And

2330. And you are of opinion that such a council as I have mentioned, of so many operatives and so many masters, provided you could get a fit man for chairman, would be desirable?—If you could get one perfectly independent man, he would be a sort of standing umpire in the district; I do not see the advantage so much of having masters and men, always having found in my experience that the council would divide equally, six would be on the one side and six on the other.

2331. Does not it strike you, that if this council is chosen by two parties, there would be more chance of bringing about some good understanding, than if there were merely an arbitrator who had nothing to do with either party?—I can only go back to my original position; if you take one workman and one master, and multiply them by any amount, you will have the same result; they will be equally divided, and one man would be quite as efficient, if he were a man who would soon make himself master of the business, such as an officer of engineers or a civil engineer: I have much greater faith in one man than in a Board; I think it would be his decision after all, even if you have six on each side.

2332. Are you aware that the *Conseils de Prud'hommes* in France has adopted the system of having so many operatives, and so many masters on the Board, with a chairman, to have the casting vote; that the decision of that council settles all disputes, and that the chairman is appointed by the Government?—I do not know from what body the chairman is appointed.

2333. Do you think that would be a manageable plan in England, except for the difficulty of finding such a chairman?—I do.

2334. Mr. *L. Gower.*] Do not you think that an intelligent man who had heard the opinions of the two sides, the masters and the men, could come to a decision in any case of dispute without being acquainted with the trade?—I have never been intelligent enough myself to come to a satisfactory decision upon that point; you have no idea how strong the evidence is on each side.

2335. Do not you think that three workmen and three manufacturers could agree upon an umpire?—I beg them repeatedly to choose some man who knows something about the point; they come back to me, and I have to do it.

2336. Mr. *A. Pellatt.*] How often do these cases arise?—I inquired from the clerk at Worship-street yesterday, how many cases there were under the Arbitration Clause last year, and I found that there were only five, so that that would indicate, I should think, that the trade have no great partiality for this tribunal.

2337. Do not you think that they do their best, knowing the nature of the tribunal, to settle it by themselves previously?—I understand it is often done in this way: a man takes home his work, for instance; the master says that the work has not been properly done; the man says that it has, and a dispute arises, and the man says he will have arbitration; the master says he will have no arbitration; and he pays him his wages for that time, but does not employ him again. I learnt this the other day of a very intelligent man; I think probably I may not be going beyond my province if I were to suggest the name of this man, and another, as likely to give valuable evidence before this Committee; there are two men; one of the name of Dowling, and another of the name of Fox, and I think in every case before me, they have acted as arbitrators. They are both of them workmen, but in each case there has been one or other of them on one side; namely, of the workmen. They are remarkably intelligent men.

2338. Have not some cases come before you?—Yes, occasionally; the master does not pay the wages, and then it is obliged to be brought before me; but there have been only five cases in twelve months; probably three of those might be brought before me, and two before Mr. D'Eyncourt.

2339. What is the general subject of dispute in those cases?—I think it is that which I have mentioned, or perhaps they do not take the work home according to the time of the contract, and in those cases I have hardly ever convicted, because the man will give some reason or other, which may be true or not, some domestic reason, and, therefore, with just a word or two, I can generally get a little time granted by the masters, and they go away; I have never convicted in a case of that sort. Then another class of disputes arises from the question whether an article is made in a workmanlike way or not, and I am the tribunal to decide that.

2340. Are your verdicts generally against the masters or most frequently against

J. Hammill, Esq.

29 April 1856.

against the men?—There are so very few that I could hardly say without referring to my books.

2341. They do not predominate one way or the other?—I am at a loss to say; I use all the power that I am master of to get an equitable arrangement made without the parties coming under the penal powers of the Act.

2342. Have the men apparently more objection to come before your tribunal than the masters?—I do not think so; they want what they call law; now of course the magistrate's great desire is to reconcile these differences, and nothing can be so distressing as to send a man to prison who is able to earn his living by his labour.

2343. Mr. *P. Urquhart.*] Do not a very large portion of the cases of dispute arise out of the questions about work?—A great many.

2344. If all those could be decided by the judge, would not that tend very much to prevent disputes?—If there was a man always in the district paid by Government, a standing umpire, whom they could bring in instead of coming for a summons, it would prevent disputes before the magistrate. In a court like Worship-street, there is an immense deal of business; there are, probably, a thousand cases in that court yearly more than in any other court of the metropolis; therefore if a man does not come at the right time, he may be disappointed; when he comes, I may be hearing an important case, and I cannot be interrupted to give a summons, because in a case like that you must inquire into the reasons of the summons; it is not like a man coming and complaining of a violent assault, where there would be no need for inquiry.

2345. Are there many disputes about wages in the silk trade?—Yes; the master stops the wages when he says the work has not been performed according to the contract; the question is whether it has been so performed or not.

2346. Are there many disputes about wages unconnected with the quality of work, which come before you?—No; they make all their demands upon the contract; that would not come before me in any way.

2347. Do any others occur in your district?—I am not aware of any.

2348. Lord *J. Manners.*] Did not you state just now that, from your experience, you had come to the conclusion, that the masters and the men in a tribunal of this sort would invariably be divided in their opinions?—I should say invariably; because, as I have stated to the Committee, these persons themselves who are selected on each side as arbitrators always come back to me. I tell them it is acting a mere farce to send them away to decide, because I know they will come back; and if you multiply them by any number, I do not see that you would get any nearer the mark.

2349. Mr. *Cobbett.*] What is the Act you have been speaking of, in those districts under which your decisions were made?—The arbitration clause of the 5 Geo. 4, c. 96.

2350. You are aware that your name was mentioned the other day by a witness before this Committee, in connexion with an application under one Act and a conviction under another Act?—I did see the report of it.

2351. I will just read to you the evidence that was given with relation to the circumstances. (*The evidence of Mr. John Ferdinando, from Question* 2283 *to* 2302 *was read to the Witness.*) I have read to you certain parts of the examination that took place on the last day of the meeting of this Committee, with regard to the supposed mistake that you made at your court, by summoning persons under the Frame-work Knitters' Act for offences committed under the Silk Act; have you any recollection of any such matter?—I have no recollection whatever of any such objection being made.

2352. Supposing it had been so, would it not have occurred by accident?—I do not see how it well could be so.

2353. What are the summonses in your court?—Printed forms. All that I have to do is to hear the particulars, and my clerk fills them up. My clerk, who is lately dead, had thirty years' experience in the matter, and I can hardly think that he should make such a mistake; perhaps I sign three or four hundred instruments of one sort or other a day, and I am obliged to trust to the clerk to make them correctly. I am hearing cases while I am signing papers of all sorts.

2354. Have you anything at all to do with the Framework Knitters' Act?—I do not know it by that name.

2355. Do not you issue summonses continually under the Silk Weavers' Act?—Very seldom.

2356. You do issue them?—Yes. I have some recollection of this case; but I am sure that if I had done anything wrong, it would have been instantly seen.

2357. If it was done wrong, it must have been done by a mistake?—I would say that it was not done by a mistake, for my clerk, as I have said, was a most efficient man, and had had 30 years' experience.

2358. Sir *H. Halford.*] Are there framework knitters in your district?—I really do not know the technical denomination for them; I call them all silk-weavers. When I went down to Worship-street yesterday, I found three letters relating to the subject before the Committee.

2359. *Chairman.*] What is the substance of them?—They merely state the very great satisfaction the weavers have felt from the way in which justice has been administered in my court. While I have sat at Worship-street for nine years, probably I have decided between 40,000 and 50,000 cases, and not one has been interfered with by the Secretary of State.

2360. Lord *J. Manners.*] Do you act under this Act, which is specially called the Hosiery Frame-work Knitters' Act?—I do not know the Act (6 & 7 Vict. c. 40) by that name; I very seldom Act under it. I think that last year there were altogether 11 silk cases at Worship-street. I inquired yesterday how many there were, that I might be able to let the Committee know.

2361. How many of those were settled under the Silk Act?—I think there were six under the 6 & 7 Vict., and five under the Arbitration Act (5 Geo. 4, c. 26.)

2362. In your mind, is there any distinction between what is called the Frame-work Knitters' Act and the Silk Act?—I do not know the Acts by those names.

2363. Is not the Framework Knitters' Act restricted to hosiery?—It would appear so on the first view.

2364. Does hosiery come within your jurisdiction?—Yes; but I never had any case to decide upon hosiery.

2365. How can this Hosiery Act be acted upon in your court at Worship-street?—You will see that there are other materials specified in the Act (6 & 7 Vict.) besides hosiery. The seventh clause says it shall apply to the working-up flax, mohair or silk materials.

2366. Will you direct your attention to the 34th clause, which contains the trades to which this Act will apply; and will you have the kindness, collating the title of the Act with the 34th clause, to give your interpretation of it as to the application of the Act?—I at first read the Act in that way, and thought that it was very loose; but still, at the same time, I do not know that I could have restricted it. Under the seventh clause, it is very general. I take it that the loom is in a frame-work.

2367. May I direct your attention to the concluding words of this section, incidental to the manufacture of stockings, gloves, and other articles of hosiery; coupling those final words of this section with the title of the Act, is it or is it not your opinion that it is an Act restricted to hosiery?—I should have taken clearly that view of the Act on first sight; but coming into office, and finding how it had been acted upon, and considering the seventh clause, it only raised a doubt upon my mind. The term "hosiery" is not used in the title of any of the repealed Acts, and was first introduced into the 6 & 7 Victoria.

2368. Mr. *Wise.*] Do I not understand you to say that in all cases of disputes you are of opinion that if representatives from the masters and the operatives were to meet together in Courts of Conciliation, they would rarely come to a happy termination of their disputes?—I fear so. I do not see how multiplying the number would alter the matter, if the operatives and the masters differ *toto cœlo* as they do.

2369. Would you think it desirable on the part of the masters and the operatives, that there should be a Court of Arbitration to remedy the present evils?—Yes. I have spoken to several people in the trade, stating how unsatisfactory I always found my acting in this matter; but there is this difficulty, that I do not know how to select the umpire.

2370. Has your attention ever been drawn to the 13th clause of the 5th George 4, c. 96, which runs in this way: "Provided always, and be it further enacted, that as well in all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a different mode to the one hereby prescribed, such agreement

J. Hammill, Esq.

29 April 1856.

shall be valid, and the award and determination thereon final and conclusive between the parties" ?—Yes.

2371. How do you account for that clause being so completely obsolete as it is?—From the very difficulty which I have alluded to, as to who is to be the arbitrator; there is no third party who can be chosen for that purpose; he must be either an operative, or a master who knows something about the business.

2372. You think it is hard to determine the question?—I do not know who you would find who would be skilled enough to decide these questions.

2373. Would you think it desirable that a sort of arbitrator or third party should be fixed upon who might from time to time be summoned by these masters and operatives in cases of dispute?—I think he should be always there in the district; I think he should be what I would call, for want of a better expression, a standing umpire; but the difficulty would be to get such a person.

2374. Mr. *L. Gower.*] You say that in your court you never could get the parties to agree to an umpire; do not you think that the people concerned in a particular case would agree upon an umpire?—My difficulty is as to the class of person from whom to select the umpire.

2375. Do not you think, for instance, that a retired manufacturer would be a good umpire?—That is what I have already suggested; the other day I suggested to a master that a man who had worked his way, and knew everything of the operatives, and who by great diligence and industry had worked himself up to be a master, and had made a fortune and retired, would be a good umpire; and he said that he always found that the operatives became very tyrannical when they became masters; I have tried several ways, anxious if possible to get a better tribunal than at present exists in the decision of these cases.

2376. Mr. *Wise.*] Has the County Court Judge ever been suggested to you as a desirable umpire?—No, he has never been suggested to me; he probably would labour under the same deficiency as I do, of knowing nothing about the material question.

2377. If he were present for a day or two hearing the evidence and hearing the discussion of the Court of Conciliation between the masters and the operatives, would he not be able to come to a fair decision?—If a piece of velvet is brought to you, and pointed out; if one man says it is perfect, and another says, "Do not you see this flaw in it," and you do not know anything about it, it is impossible to decide; and these are the questions that such an umpire would have to decide.

2378. Do not great disputes generally arise from more general questions than the character of the work?—No; I think that is the general cause of dispute.

2379. In five cases out of six, is it not a question of wages?—Yes; it is a question as to whether they had not been properly earned by skilful workmanship; the master wanted to deduct from the wages on account of the unskilfulness of the manufacture, and the man saying that it is well made, or that if it is badly made, it is because the material is bad.

2380. That remark would not apply to strikes in the collieries, or in the other districts?—No: their disputes, of course, are about general questions; I am only speaking of what comes particularly under my notice.

2381. Mr. *Blakemore.*] Have you a great many cases for adjudication between masters and workmen in your court?—Very few; I do not know any thing about any others than the quarrels in the silk trade; all the others go to the County Courts as a matter of course.

2382. Sir *H. Halford.*] Are there many other causes of dispute besides those relating to the nature of the work, which come under your notice?—I often have to decide the question, whether or no the material furnished to the workmen has been good.

2383. Would not that be incidental to the question whether the work was properly executed or not?—Yes, no doubt it would.

2384. Mr. *Blakemore.*] Do you adjudicate on many cases under the Poor Law?—If people do not get relief when they apply to the union, they come to me; I have no power; but I merely try to forward their request by sending an officer of the court with them.

2385. Is that a case of frequent occurrence?—Of daily occurrence.

Macgill Daintree Hollands, Esq.; called in, and Examined.

M. D. Hollands, Esq.

29 April 1856.

2386. *Chairman.*] WHAT is your position in life?—I am a manufacturer of earthenware and china.

2387. Where do you reside?—At Stoke-upon-Trent, Staffordshire; I am also Chairman of the Chamber of Commerce, and I appear here in consequence of the subject of this Committee having been brought before that Chamber, to state that as far as our district is concerned, we have found a Board of Arbitration tolerably successful. It would perhaps be necessary for me to explain to the Committee that ours is rather a peculiar trade, and therefore, in many respects, contrary to any other trade in the kingdom; we are almost entirely dependent upon hand-labour, machinery not being used in the production of our goods; consequently it is necessary for the manufacturers to engage their workpeople for 12 months under a form of agreement; I do not know that there is any mutual agreement as to that form, but there is a form by which nearly all the manufacturers hire their men once a year.

2388. You are well acquainted with the subject of disputes between masters and workmen; can you state to the Committee what, in your opinion, would be the best means of checking those disputes?—I think that if a permanent tribunal of arbitrators could be appointed, consisting perhaps of two or three masters, with two or three workmen, such a Board would not only tend to lessen perhaps the frequency of the disputes between the parties, but that upon cases being referred to it, I think it would, in our trade, enable the parties to come to some amicable adjustment of the question. It is not more than three years since the clause of arbitration was inserted in the agreement; there is a clause of arbitration inserted into the agreement upon which the men are hired, by which the men or the masters can refer the case to this Board of Arbitration. I think there has not been more than three cases in the course of three years, in which they have arisen, and those have in all cases been amicably arranged.

2389. Is it your opinion that a similar Board would answer the same purpose in other trades?—I am hardly prepared to answer that question; I should think it is quite possible to constitute a similar Board in other trades.

2390. As your Board answers the purpose for which it was intended, is it your opinion that any further enactment would be desirable?—Our Board does not exist until the case requiring occurs; what I think is, that there ought to be a permanent Board appointed, by which the district could know to whom their case would be referred.

2391. Would you state to the Committee why a permanent Board would be more advantageous than the one you have mentioned?—My opinion is, that where there is a tribunal existing, the members of which are known, great confidence would be placed in it; parties would say, "I know the parties to whom I must refer my case, and I can refer it to them;" but if they do not know the arbitrators who are to be appointed for the same purpose, and they do not know who they will be, I think, in many cases, they would not go before a tribunal of that character. Then, again, there is a great amount of trouble and responsibility attached to those arbitrators, and a certain amount of delicacy which one manufacturer has in interfering with the time of his brother manufacturer: he feels a delicacy in calling upon him to devote one or two days to that purpose.

2392. Do you think such Boards should be confined to a particular trade?—Each particular trade must certainly have its own Board of Arbitration; I am satisfied that no Board of Arbitrators to arbitrate upon more than one trade would give satisfaction; at least I should be very sorry to refer a case of my own to such a Board.

2393. Mr. *B. Blakemore.*] How are your Boards constituted?—They consist of three masters and three workmen.

2394. Have you any chairman, and do they elect their own chairman?—I believe that they appoint another party; they agree beforehand upon an umpire, but in the cases that have occurred they have never required an umpire.

2395. Are there any large manufacturers in the district of Stoke-upon-Trent?—Some of them are very large; we employ in our manufactory 1,500 hands; there are some employing 800 and 1,000, and some more than that.

2396. Has there ever been an interference of the kind you have mentioned with your own establishment?—No, never.

2397. What are the general class of cases that give rise to disputes in your trade?

M. D. Hollands, Esq.

29 April 1856.

trade?—One of the cases at least, which was referred to this Board, was a dispute arising from a loss incurred by the workman in a department over which he considered he had no control. I may state that one of the rules of the trade is to work what is termed "good from oven;" that is to say, the man is not paid for work which he has made until it has been fired; when it comes out of the oven it is all examined, and the bad is put on one side, for which he receives no wages.

2398. Is the rate of wages usually high in your branch of trade?—The rate which a man will earn is, I should say, high in comparison with other districts many workmen can earn 30*s.* a week; a good workman will get 28*s.*; the average would not be more than 25*s.* or 26*s.*

2399. Some do get as high as 30*s.*?—Some do get as high as 30*s.* and more.

2400. Are females employed in your trade?—To a large extent.

2401. Are children employed?—Young girls and young boys are employed as apprentices; they are all apprenticed in our trade, and serve seven years' apprenticeship.

2402. Viscount *Goderich.*] Did not you state that the men were engaged by the year in your trade?—Yes.

2403. Are difficulties arising under that contract referred to this Board of Arbitration?—Not exactly, because as to the questions of contract it is stated in the agreement; the question is as to the loss arising in the oven; it is a question as to whether it was a loss arising from the fault of the fireman, or whether it was a loss arising from bad work; it is almost impossible, however clever a foreman may be, to detect what will be bad out of the oven before it goes in.

2404. Supposing that a difference of opinion were to arise between you and one of the men whom you were going to engage as to the rate of wages which you were to pay under the yearly contract, would such a question be referred to this Board?—Our contracts name the rate of wages under which the man shall execute any work required of him; then if he refused, after having made the agreement to work under the agreement, of course that case would be referred to the Board.

2405. Supposing that he differed from you as to the rate of wages to be paid by the contract before the hiring had taken place, would that question be referred to such a Board as you have described?—It would not under its present constitution.

2406. Do you think that under such a Board as you contemplate such questions should be decided?—I think in such a case it might be voluntary upon both parties, and then I believe it would be by far the best way of adjudicating in all cases.

2407. The reference should be voluntary, but should not the decision be binding?—I think you cannot make it binding; I would say, in reference to that, that though you cannot make it binding, yet I believe it would virtually be binding, because if the constituted Board of Arbitrators had such a case referred to them voluntarily, and they came to a decision upon it, I think, supposing it was to be either against the master or against the workman, neither party would be likely to go against such a decision, because the Board of Arbitrators, in my opinion, would carry the weight of the district with them, and if it were against the master, the master would give in, and if it were against the workman, the workman would give in.

2408. Mr. *A. Pellatt.*] I believe you represent the house of Minton & Company?—I do.

2409. Do you also represent, as far as you know, the opinion of Messrs. Copeland & Company, and other large manufacturers?—I cannot say with respect to Mr. Copeland, because he has never joined the Chamber of Commerce, but with regard to several large houses, Mr. Wedgewood's have corresponded with me on that, and several other large manufacturers in our district; in fact I may say the majority agree with me, from the circumstance that they all hire under the agreement containing a clause of arbitration, which is a sufficient proof that the body of the manufacturers agree that arbitration is the best mode of settling those disputes.

2410. Then the practice of hiring annually under the Arbitration Clause is almost universal?—Yes.

2411. Would it necessarily follow, that the system of arbitration which works so well with you should work equally well elsewhere, except where the manufacturers could hire for a year or for some certain time, and could have some arbitration

tion contract?—It might be difficult to decide; where there is a question of dispute with us, hiring under an agreement which specifies the rate of wages at which the work-people shall work, we have very little difficulty in ascertaining if the agreement is interfered with; but there are other cases of course which arise which the agreement does not specify; that is to say, the case of bad work and the case of a dispute with an overlooker; all those cases are really cases which would be equally capable of being referred in another trade to such a Board of Arbitrators as they are in our own trade.

2412. You have spoken of hiring for one year; do you allude only to skilled workmen, or to women and children also?—They are all hired by the year. They do not all sign an agreement, but still the practice and the custom of the trade is such, that if one of my workpeople who might not be hired under an agreement, were to leave me, and get work in the district, I should only have to send to the master to say that such and such a servant of mine had left me, and he would not employ him.

2413. Was this agreement in use at the time of the great strike which took place some years since in your trade?—That strike was nearly 20 years ago. The Chamber of Commerce was not in existence then.

2414. How long has the Chamber of Commerce been in existence?—Not more than three years.

2415. And during that time you have had no strike?—No.

2416. Have you had any threat of a strike during that time?—None.

2417. Do you think that your arrangement is calculated to prevent strikes?—I think so.

2418. Mr. *L. Gower.*] At what period do strikes generally occur?—As far as my observation goes, I should say that strikes usually arise, not in a depression of trade, but when trade is brisk.

2419. What has been the general state of trade since this system of arbitration has been established?—For one twelvemonth the trade was good, but for the last two years I may say that trade has not been good. I should not like to give it as my opinion that three years' trial, under all circumstances, is sufficient to enable me to give a very decided opinion upon the scheme.

2420. Before that mode of arbitration was in operation, how were disputes between masters and workmen, as to the goodness or badness of the work, usually settled?—I believe, generally, they were settled by the masters and the workmen themselves; there was no system, and I know that many cases have been brought before the magistrates, and decided in that way.

2421. Was the Arbitration Act often referred to?—I think never.

2422. Were you acquainted with the existence of that Act?—I was not myself acquainted with it; I do not know of its having been resorted to in our district.

2423. Lord *J. Manners.*] You have stated that those Boards of Arbitration were constituted on every great occasion, as circumstances required them, and that they consisted of three men and three masters; will you tell the Committee by whom these men and these masters were elected?—The masters were appointed, generally speaking, at the meeting of the Chamber of Commerce; it is usual for the master to nominate those whom he would wish to be his arbitrators; the men are also asked to name people on their behalf.

2424. Do you mean the men whose cases are to be tried?—The men whose cases are to be tried elect from the body of the operatives three men, whomsoever they like; it is not at all material where they work; there is no restriction in that respect.

2425. Mr. *Wise.*] Does not the clause in your agreement run thus, that "if any dispute arise" it shall be referred to the decision of six arbitrators, three of whom shall be manufacturers, and shall be chosen by the said potter (or potters), and the remaining three arbitrators shall be working potters, and shall be chosen by the workman or workmen with whom the question shall have arisen; such arbitrators to appoint some impartial and competent person as umpire, and the decision of such arbitrators and umpire, or the majority of them, shall be final and conclusive on both parties"?—That is the clause under the agreement in which we hire men.

2426. Lord *J. Manners.*] Have you heard the evidence of the previous witness?—I have.

2427. I think he stated, among other things, that in Spitalfields the Boards constituted of masters and men would give no satisfaction, for the men would always be

M. D. Hollands, Esq.

29 April 1856.

be found on one side, and the masters on the other side; does your experience in your particular trade confirm that opinion?—Not at all. I do not agree with that at all. I believe that it is quite possible for the masters to act rightly in such a case, and also for the men.

2428. Mr. *Blakemore.*] Do you, with your extensive population, and the experience you have had of these Boards, see nothing in them which should prevent you from being perfectly willing to abide by their decision, if there were any dispute between yourselves and your workmen?—Perfectly; it is the way I should wish to decide any dispute arising in our business.

2429. Have you ever acted on these Boards?—Never.

2430. Sir *H. Halford.*] How is your Chamber of Commerce appointed?—It is merely composed of the members who have agreed upon certain rules; each member is to conform to these rules.

2431. Does it embrace the whole trade?—All the manufacturers are not members of it, but the majority of them are; there are certain expenses which some manufacturers do not wish to be put to in connection with it, and who hold themselves aloof; and there are others who do not quite agree to it; Mr. Copeland is one: but I may say that, with the exception of perhaps two or three, the principal manufacturers of the district are members of our Chamber of Commerce.

2432. There are some manufacturers who would not hold themselves bound by the decisions of your chamber?—Yes, there are some in our district who do not hold themselves bound at all by them.

2433. Viscount *Goderich.*] Has the Chamber of Commerce any necessary connection with the Courts of Arbitration?—Not at all, but it originated with them among the manufacturers, who met together once a month to discuss different matters connected with the trade.

2434. Do you suppose that your practice of hiring your men for a period of one year (which is extremely different to the practice of most other trades), facilitates the adoption of your system of arbitration?—I should think it did, certainly, to a certain extent, at least.

2435. Mr. *Blakemore.*] Can you tell us the system of routine practised in these courts; does the person who called for the sitting of the court state his case *vivâ voce*?—He states his case, and also brings forward any witnesses which he may think necessary to prove his case, and the master does the same.

2436. Does it usually happen that documents or books are called for?—That would only be necessary in case of any infringement on the part of the master of the agreement as to the price paid for the work done; then it would be necessary for the master to show that he hired under such specific terms; of course if that were infringed, it would be necessary for him to produce his books to prove it; that is a matter in which two sides would be heard, and the witnesses in each case, and the umpires, as from their knowledge of the case, would be able to decide.

2437. Do unions exist among the workmen in your district?—To a great extent; I suppose they have existed to a greater extent in our district than in any other.

2438. Lord *J. Manners.*] Of course the witnesses who are brought before such a court as this cannot be examined on oath?—No.

2439. Do you think it would be an advantage, or not, if power were given to such a Board, to examine witnesses on oath?—I think it is always an advantage to examine witnesses on oath.

2440. *Chairman.*] Do you think that any Legislative enactment ought to be framed upon this subject?—I think that unless an enactment is framed giving permanent Boards to each district, the same advantage would not result from it as we might otherwise expect. I do not think that we gain all the advantages from the mode in which we adopt these Courts of Arbitration that we should do, if the arbitrators were known to the district. I think many cases which are now not referred to this court would be referred to such a court then; but I think it would be necessary to put some restrictions upon them, otherwise a great many frivolous cases might be brought before the court, and valuable time might be occupied without any necessity.

2441. *Chairman.*] How should the chairman or umpire be nominated?—I think myself that the chairman would be elected with most satisfaction to the trade if it were done by the majority of the manufacturers and the workpeople;

if

if they were all allowed to vote, it would not be a difficult matter; if they differed, the majority should carry the appointment.

2442. Mr. *Cobbett.*] Do you propose that all the working people of your district, and all the masters, should vote?—I am speaking now of the arbitrators; I think that the workmen should appoint their three men, and the masters should appoint their three men.

2443. *Chairman.*] As to the chairman, who should elect him?—I should let the Board elect their own chairman; I think that, as far as the referee goes, he may be very well appointed by the Government; but he must be competent to understand the trade over which he has to adjudicate.

2444. Mr. *Blakemore.*] Would it be material whether he were resident in the neighbourhood, and known to the parties, or whether he were sent from London or elsewhere?—Not if he were appointed by the Government.

2445. Mr. *L. Gower.*] Would you make that a permanent appointment?—I would make that a permanent appointment.

2446. Mr. *Cobbett.*] Did not I understand you to say that in all these cases where six are appointed to form a Board of Arbitration, they invariably act and proceed to judge of the case?—I believe so; that I believe is according to the statement in our agreement.

2447. Mr. *L. Gower.*] Did not you say that there should be a protection against frivolous cases being brought forward before this court?—I should say that there should be something of the same kind as is adopted in the County Court at the present time; there should be a small deposit, and there ought to be a sort of fee chargeable upon whichever party loses the case; of course that ought not to be made sufficiently burdensome to prevent the operative bringing the case clearly before such a tribunal.

2448. *Chairman.*] Do you propose that the chairman should be selected by the parties themselves, or that he should be appointed by the Government?—Both modes might be adopted; if the parties themselves could select a chairman, probably that would be the most satisfactory course; but there might be a good many difficulties in the way of making such an appointment, and if so the Board of Trade might easily make themselves perfectly acquainted with who was the fittest person in each district to take upon himself such a duty, and there would be no difficulty about it.

2449. Your evidence comes to this, that, in your opinion, an equitable council, formed of so many masters and so many workmen, would be desirable, and that the parties should have the opportunity of selecting their own chairman, and if they could not agree, that the Government should appoint him?—Yes.

2450. Viscount *Goderich.*] It has been suggested to the Committee, that the person who should be nominated as chairman, should be either the County Court Judge, or some lawyer; do I understand you to say, that in your opinion it is absolutely necessary that he should be a person practically acquainted with the trade?—I think so; I do not think that the person who would have to adjudicate upon the cases brought before him could by any possibility do so, unless he were perfectly acquainted with the trade.

2451. Mr. *A. Pellatt.*] In many cases there are sitting magistrates in the Potteries who were formerly manufacturers; would the appointment of one of them as umpire give satisfaction to the working classes?—I think it would be possible in our district to find a retired magistrate, but I think that, on the whole, the district would, perhaps, have more confidence in some manufacturer who was a manufacturer at the time; there are so many circumstances constantly arising in the trade which a man who has retired from it is not competent to judge of.

2452. Mr. *Blakemore.*] Would you prefer a manufacturer to a lawyer?—Yes; I think both workpeople and masters, if their opinion could be got at, would agree in appointing as chairman a man who was a manufacturer at the time, rather than one who had retired.

2453. *Chairman.*] Your opinion is, that if both parties could agree together, it would be better for them to appoint their own chairman?—I think so.

2454. Mr. *L. Gower.*] Would you have these six persons remunerated, or should their services be gratuitous?—I think you can hardly expect them to act gratuitously altogether.

2455. If not, how would you have them paid?—That is a very difficult question; their time might be very seriously interfered with, and although many might be

M. D. Hollands, Esq.

29 April 1856.

found who would gladly give up their time occasionally, still, it might become so burdensome that they would decline to act altogether.

2456. Supposing they were paid, would you derive the funds to pay them from the Government, or from a rate on the district?—From a rate on the district upon the parties to be benefited.

2457. Viscount *Goderich.*] Do you think that the district would be willing to pay a rate for that purpose?—I think that is very doubtful. I do not think that you could in general rate any but the operatives and the masters, although certainly it is a very serious matter to a district when a "turn out" takes place; it is quite as serious to the district generally, as it is to the operatives.

2458. Mr. *L. Gower.*] Supposing the expense of this Board were met by a rate, would you have it optional on the rate-payers to establish it or not?—I doubt whether, unless it is optional to some extent, it would give satisfaction.

2459. Mr. *Wise.*] What qualification would you suggest for the electoral body as far as the operatives are concerned; would you have a register, or anything of that sort?—I think that all that would be necessary would be that they should be in employment; I think that you ought not to elect as arbitrator one that was not a workman employed in the district; he ought to be a workman employed in the district, which is some guarantee as to his respectability.

2460. That would be a sufficient guarantee?—Yes.

2461. Am I correct in the assumption that the manufacturers in the Staffordshire Potteries themselves proposed this arbitration clause in the agreement?—I believe it was proposed by the operatives themselves to the masters.

2462. I think you say it is universally adopted, and gives satisfaction?—I think so; it has not been adopted universally, but I believe the majority approve of it.

2463. Has the power of determining an engagement to work, only reference to some agreement which has been made in writing?—I forget the terms of it, but I believe it is so.

2464. Have not the workmen the power of giving notice to quit?—I think they have not that power; it is an absolute agreement, so long as the manufacturer finds them a certain number of days' employment in the week; it merely gives the master power to get rid of the agreement, in case of his not being able to find full employment; of course he would not have the control over his trade. If there is a demand upon his manufacture, and that demand continues, he can find his workpeople employment; but he cannot bind themselves to give employment, because he cannot say beforehand that the demand upon his manufacture will continue.

2465. You have alluded to a very frequent source of dispute in the Potteries; namely, what is called "good from oven;" does that apply equally to the china as to the earthenware trade?—No.

2466. Do you think that the question as to whether that system should exist or not, might be referred with advantage to Courts of Conciliation?—I think not. My only reason for saying that is, that I think its necessity is so fully decided by the manufacturers, that they would not give up the point. I will endeavour to explain to the Committee the necessity for it. A workman can make a piece of ware to all appearance quite perfect, yet from the mode in which the ware has been made, he knows himself, before it goes into the oven, that it will come out bad; but unless you saw him go through the whole process, you could not detect it until it comes out of the oven. So that it is almost the only guarantee that we have for the workman doing his work properly. I will allow that there is a certain amount of hardship, as it may be called, upon the workman, because he is subject to the carelessness of other men in the second process; but any fair manufacturer always makes an allowance, if it can be proved that it is not his fault.

2467. If, for instance, shapes were more complicated, and more ornamental than they had been, and the material was not so good as it had been, would it be possible for this proposed tribunal to say, "This system 'of good from oven' may be a fair system, but still, under the circumstances which have been laid before us, we think that, in this case, the penalty should not be levied"?—The very case that is referred to them, where the dispute arose from the loss in the oven, might be referred to this Board of Arbitrators; but if you come to the main question, as to whether the system shall be done away with altogether out of the trade or not, I do not admit that it is a question which manufacturers would ever allow to be so referred. In fact, you would never get a Board, consisting of three masters, to admit that they could do without it. I may state that it is not

so great a hardship as it appears, because the rate of wages paid for what the workman does, is calculated upon the regular amount of loss which must arise in the oven; therefore they are, in fact, paid for a certain amount of loss. If a greater amount of loss exists, it is a much greater loss to the manufacturer than it is to the workman. Of course the manufacturer says, "I cannot submit to this, you are losing me a great deal more than I have to pay you in loss of material, and other ways," and he terminates his agreement with such a workman.

2468. Mr. *A. Pellatt.*] Are not similar arrangements made between masters and workmen in other trades, where the workman takes the risk of the goods coming forth perfect?—I have no doubt there may be such trades.

2469. Do you know anything about the flint-glass trade?—Very little.

2470. Mr. *Cobbett.*] Did not I understand you to say, that in all the cases of arbitration which you have heard of or known in your trade, you know of no umpire having been referred to?—I believe not.

2471. Have the decisions of the Boards, constituted as you have described, been satisfactory?—I believe that to be the case.

2472. When a man is charged with making bad work, which is not discoverable until the work is out of the oven, does not he attribute it to the oven that his work is spoiled?—Yes.

2473. The blame then falls on the man who attends the oven?—Yes, if it is really his fault.

2474. The man who makes the goods does not prepare the oven?—Not at all; it is another workman.

2475. Then, when the goods are baked and turn out to be bad, he defends himself by saying, "That is not in consequence of my bad work, it is in consequence of the bad management of the oven"?—Exactly.

2476. Does not it, in the case you have mentioned, become a case of dispute between the two workmen?—No; it would if the fireman had to pay the other workman for what he has done; but the master settles that: he say to the man, "You claim to be paid for this bad work; you must clearly prove to me that it is not your loss, but that of the oven-man;" and if it is the fault of the oven-man, then an honourable master at once gives way: but if you meet with a master who says, "No, my agreement is to pay you 'good from oven,' and I have nothing to do with your loss; if it exceeds a certain amount you must bear that;" then a dispute arises. The man says, "No, I cannot admit this, because it is not my fault;" and this was the case in the arbitration which I mentioned.

2477. When the workman says, "It is the oven-man that has spoilt the work," do not you call the oven-man to show that it is not his fault?—It is a question which of the two is to blame.

2478. Is not that one workman against another?—Assuredly; but, of course, it is a question which is treated by the master, the workman claims to be paid from the master, and the master says, "No, I cannot; I pay you all that I owe to you."

2479. You mention that as one of the things which are referred to these Boards; are there any other class of cases in which disputes arise?—There may be many cases; but I do not remember at the present time any which have arisen.

2480. Was this which you have mentioned the most pregnant cause of dispute?—I merely mentioned that, as remembering that it was one of the cases referred o arbitration.

2481. Did I understand you to say, that if the decisions of these Boards were not satisfactory to either party, they would not be considered as binding in any way?—I think not.

2482. Do you know of any instance in which either the master on the one side, or the workman on the other, have disputed the propriety of the decisions of this Board?—No.

2483. You have stated, in answer to a previous question, that you considered that Legislative enactment might be resorted to for this purpose; would you have a Legislative enactment merely to constitute the Board, or would it regulate the mode in which the Board should be elected and proceed to its work?—I think that you would want a preliminary arrangement of all the minutiæ.

2484. Would you make it obligatory on a district such as yours to appoint a Board of this sort?—I do not see any objection to doing so.

2485. Would you make the award of any such Board appointed under law

M. D. Hollands, Esq.

29 April 1856.

binding upon the parties?—So far as it is possible; but I think the most binding part of the decision of a court so constituted is, that neither masters nor workmen in the immediate district would venture to go against it.

2486. Is not that the case now without the law?—It may be; I do not find fault with the present system; I think it is good so far as it goes, but I think if it were constituted by the authority of the Government, more weight would be attached to it, and that it would be more frequently resorted to.

2487. Mr. *P. Urquhart.*] Have you ever heard of any dispute as to the amount of wages being referred to this Board?—Never; I think in those cases it would hardly be right to fix the amount which any person shall pay for labour; I think those are cases which, unless both parties voluntarily agreed to such a course, could not be referred to this Board; but supposing they did agree, I think that is the most preferable way.

2488. Generally speaking, is it found undesirable to make it compulsory to refer such cases to the Board?—Yes; in fact they do not look upon it as a fair way of deciding the value of labour.

2489. Mr. *L. Gower.*] Would not you make their decisions binding as far as regards the infraction of past agreements?—Certainly.

2490. Mr. *A. Pellatt.*] Is not the workman compelled to submit to the award of the arbitrator in such a case?—He must submit virtually to the award; in fact I think that the knowledge in the district of such a case having been referred to such a Board would prevent the workman getting work unless he did submit to it.

2491. Are the workmen in your trade paid by the piece?—They are paid by the piece; so that every piece that comes through perfect is so much advantage to them, and that is a guarantee which the master has that the workman shall look after his ware going properly, and at the proper time, into the oven, which he would not have if it were under a different arrangement.

2492. Viscount *Goderich.*] Did I understand you to say, that you thought that in the case of a workman who had six months of his contract to run, whether a decision of this kind were to be enforced by law or not, he would be virtually bound to submit to it?—I certainly do, unless he left the district.

2493. Do you think that the master would be equally obliged to submit under those circumstances?—I think equally so, and I will state my reasons: he could not expect to receive any support from the other masters under such circumstances, and unless he did so he could not obtain workmen to supply the places of the men whom he discharged; that would be the effect in our district of his refusing to submit to the decision of this tribunal.

2494. I understand your evidence to be confined to your own trade?—Certainly.

2495. You do not give any opinion as to whether a general law establishing these Boards would be useful or not?—I could only give a very general opinion upon that point.

2496. Mr. *P. Urquhart.*] Even if the decisions of this Board were not legally binding, would not a great prepossession be created in favour of the party for whom it had decided, supposing the dispute were afterwards referred to a legal tribunal?—I should say so.

2497. Would not the first thing, in a legal tribunal, be to inquire whether the dispute had been referred to a Board of Arbitration, and if so, what they had decided?—I am quite sure that most of the magistrates and the County Court Judges who have these matters sometimes brought before them, feel that a better tribunal should be established; they frequently have to refer the cases, or get further information, before they can decide upon them.

2498. Mr. *A. Pellatt.*] You have been a good deal in France; do you know how they arbitrate disputes in your line of business in that country?—No, I do not know the French law of arbitration.

2499. Do the losses chiefly occur in what you call the glaze oven, or in the biscuit oven?—Chiefly in the biscuit oven, and of course the losses of the men do not extend beyond that; the manufacturers bear all the loss after the work has passed the biscuit oven.

2500. Lord *J. Manners.*] You said you proposed giving to a particular trade or district power to elect a Board of this nature; would you give this power to the district, or to the masters and workmen engaged in the particular trade of the district?—To the masters and workmen engaged in the particular trade.

2501. Would

2501. Would you make it obligatory upon the masters and men of the district to come under the operation of the law?—I have no objection to it.

2502. Would you propose to give to the Board the power of levying fines upon those who should offend in any way against the provisions that may be established for the regulation of the trade?—I do not know how far fines might be made serviceable in these cases.

2503. Is it your opinion that the fair way of raising a fund to remunerate the arbitrators who would require remuneration would be to appropriate the fines for that purpose?—Of course the constitution of the Board is a matter which requires a great deal of consideration.

2504. Mr. *A. Pellatt.*] Did not you suggest that the losing party should pay the expenses of the decisions of these Courts of Arbitration?—Yes; I would give, as it is done in any other court, the arbitrators the power of saying whether the costs should be allowed or not; but all these are arrangements of which I think there are parties better able to judge than myself.

2505. Mr. *Wise.*] What course do your overlookers take with reference to any question as to the destruction of earthenware, in order to discover whether it is the oven-man or the flat-presser who is in fault?—A competent overlooker will determine immediately whether the loss arises from the carelessness of the operative, or from carelessness in the after process.

2506. Cannot a third party be guilty of the mischief; for example, the mixers?—That is easily discovered; and, generally speaking, would be discovered in our trade before the ware reached that process.

2507. *Chairman.*] Then your impression is, that it would be advisable to make these Equitable Councils of Conciliation permanent?—It would be advisable to have a permanent Board.

2508. And that the expense, if there is any, should be borne by the masters and operatives in the particular trade?—It should be borne by the masters and operatives in the particular trade. I am not prepared to say that that would be the best mode of levying the expense.

2509. And your experience leads you to think that the Legislature should provide some method of preventing frivolous complaints from being brought before them?—Yes.

2510. Mr. *Wise.*] In the trade with which you are especially connected, do not you think that, considering there are three distinct branches of industry, the potteries, the iron-works and the colliery, a strike is so serious an evil, that the inhabitants of the Staffordshire Potteries would willingly, from time to time, contribute a small rate, so as to pay some of the expenses of such an establishment as this?—I think that the men of the district might be fairly called upon to do it.

2511. *Chairman.*] In your evidence, you have stated that great misery happens not only to the workmen and to the masters, but also to the district, from strikes?—It falls perhaps more heavily on the shopkeepers in the district, or at least quite as much as it does upon the operatives themselves.

2512. Mr. *Wise.*] Are you a guardian of the parish of Stoke-upon-Trent?—No, I am not.

2513. Is it not the case, that when a strike takes place, great distress is experienced in the neighbourhood, and the poor-rates are increased?—Yes.

2514. Then the general rate-payers will be subjected to that inconvenience?—Yes. If these Boards were to have the effect which I anticipate from them, they will tend, in some measure, to do away with strikes, and the district would have great reason to be thankful.

2515. Mr. *A. Pellatt.*] When you speak of a permanent Board, do you mean one that should last for an undefined period, or would there be any objection to the members of it being elected for three years?—I should say it would be better that they should be elected for three years, with the power to be re-elected.

2516. Mr. *B. Blakemore.*] In the present mode of appointing arbitrators in your trade, is there anything like excitement?—None whatever.

2517. There is no interruption to the progress of the works while the election is proceeding?—None; nor any interference with the work. Generally speaking, the particular manufacture has gone on as usual.

2518. Is it your opinion, that if such a tribunal had not existed in your neighbourhood, that strikes, which have disappeared from the trade, might have been frequent?—I am not prepared to say how that might have been.

M. D. Hollands, Esq.

29 April 1856.

2519. Do you attribute the absence of strikes and the good understanding between the masters and the workmen in your trade to the fact of your hiring by the year, or to the existence of tribunals of arbitration?—Certainly not to the existence of hiring by the year, because that has been in operation for many years.

2520. Mr. *A. Pellatt.*] Has not the union of these two circumstances been the cause of your exemption from strikes?—The union of the two has been the cause; and probably the Chamber of Commerce, which is known to sit monthly, and which, I may state, the operatives avail themselves of by asking for subjects to be brought before it.

2521. Viscount *Goderich.*] Then, in your opinion, the Chamber of Commerce tends to a better state of things between the masters and the workmen?—Yes; inasmuch as there is a greater amount of confidence existing now in the district, among the masters, than there was previously to this Chamber of Commerce being established; and subjects are more readily talked over among the masters and men.

2522. Mr. *Wise.*] Has the equalization of prices been deliberated upon in your Chamber of Commerce?—We do not allow ourselves to interfere with the subject of prices.

2523. As to the system of "good from oven," is it not the fact that the flat-pressers are the only parties in your trade who have stoppages from bad work?—Yes.

2524. Why does not that rule apply to the turners or the throwers, or the other mechanics in the trade?—Because the thrower merely shapes the piece of ware in the rough state, and then it comes to the turner, and then to the handler; therefore it passes through three hands; and if it were injured, it would be impossible almost to say where it had received its injury, and in those cases it is carefully looked over as it passes through each department, and there is not the same difficulty arising as in the case of the flat-pressers. I am merely giving you my opinion; in the one case it merely passes through one person's hands, in the other it passes through the hands of three distinct branches of operatives; therefore, it would be impossible to fix the blame of any injury upon one. But I am merely giving my opinion, because it has been the custom of the trade long before I was there.

2525. The goods passing through the hands of the flat-presser pass through no other hands?—No; he finishes them.

2526. But the goods which pass through the hands of the thrower, handler and turner, pass through three hands?—Yes.

2527. Are you aware whether this difference in the system of treating different classes of operatives is a source of discord?—No, not a great deal of it.

2528. Sir *H. Halford.*] Can anybody engage in your manufacture without very considerable capital?—Yes, very many do; in fact, we have instances of work-people almost commencing business on their own account.

2529. Is not there some risk of that giving rise to an unworthy sort of competition?—That occurs in our trade, as it does in any other.

2530. *Chairman.*] Would you recommend such an equitable Council of Conciliation as you have suggested to be at once established for every trade, or that each trade should have the power of having one if they thought proper?—Probably, in the first instance, it would be better to let them elect, whether they would or would not have such a council. But as far as our own trade is concerned, I could say I should recommend at once to make its adoption compulsory. I can hardly give an opinion as to how it might operate in other trades, and what the objections to it might be; but in our own trade I see no objection to its being made compulsory.

2531. Did not I understand that you would prefer that system to appointing Boards as the occasion required?—Yes.

2532. You would have the chairman, if possible, elected by the parties themselves, if not, by the Government?—Yes.

2533. Then your idea is, that a Legislative enactment, forming a tribunal of so many masters and so many workmen, each nominated by their own body, and enabling those individuals to select themselves, if they thought fit, a chairman, and enabling this body to examine on oath, would be the means of creating an amicable feeling between masters and workmen, and stopping strikes?—I believe so; I think it would create a feeling of confidence between the masters and workmen to a greater extent than exists now.

2534. Mr. *A. Pellatt.*] Why would you recommend that the witnesses should be examined upon oath?—I think there is a feeling that more importance is attached to evidence given on oath than when it is not so given; I do not attach any more importance to it myself, but I think there is, generally speaking, a feeling of greater importance attached to evidence given on oath.

2535. *Chairman.*] You think that this Board would judge more justly and fairly if the evidence were given on oath than if it were not?—I think so.

2536. What is the reason that the present law with regard to a reference to arbitration has never been acted upon in Staffordshire?—I can hardly answer that question, except by giving my own opinion; I do not know what may be the reason, but I should say that the dislike which people have to the mode of getting such a mode of arbitration adopted, is the cause of it; that is to say, if I understand the Act correctly, you must go before a magistrate in the first instance, and he appoints an arbitrator, and, after all, I doubt whether it is so constructed as to be easily made available.

2537. It has been stated by many witnesses that if there was this equitable Board of Conciliation, that its decisions would carry the weight of public opinion, over both masters and workmen, to an extent which would very much conduce to their coming to an understanding of these matters; is that your opinion?—Yes; I am quite of that opinion.

2538. Whereas at present, as the law stands, the reference to a magistrate rather takes away from that feeling?—I think that the very fact of taking either masters or workmen before a magistrate creates ill will.

2539. Mr. *Wise.*] Do not the people in any district, especially in your district, think going before a magistrate supposes a crime or misdemeanor?—Yes; they cannot look upon it as a tribunal for settling their disputes.

2540. Viscount *Goderich.*] A suggestion has been made to this Committee, by persons who were not prepared to approve of the introduction of the system of Equitable Councils such as you have suggested, that in case of a strike a Commissioner should be sent down by Government to inquire into the circumstances and to make a report, and that if both parties agreed to abide by his decision they should be bound to do so, but if not, that he should examine the matter, and his report be made public, and that in that case we should trust to the effect of his report upon public opinion; do you think that a system of that sort would work well in your district?—I do not think that the same amount of confidence would attach to the decision of that commissioner as would attach to a decision from a tribunal constituted of masters and men.

2541. Mr. *A. Pellatt.*] Still, if these tribunals failed, might it not possibly heal the breach?—It is quite possible that such a course might have that effect; but at the same time I do not think that the same amount of confidence would be reposed in that mode of settling a dispute as in the other which I have suggested.

2542. Viscount *Goderich.*] As far as your experience goes, you would prefer the establishment of these councils to any other plan?—Yes.

2543. Mr. *L. Gower.*] Would you propose that this Board should ever decide upon any case of strikes arising out of future agreements, except at the request of both parties?—Not with respect to the settling of the amount of wages to be paid for work; I think that the matter of wages must be left to be settled between masters and men, unless the parties engaged in the dispute, or the district in the dispute, can agree to refer the case to a Board of Arbitration; in that case they may also agree that the decision of the arbitrator shall be binding; but I think that otherwise it must be voluntary.

2544. *Chairman.*] You would not give this equitable Council of Conciliation power to regulate wages?—Not at all.

2545. And you think that such a council would be beneficial both to masters and men?—To both.

2546. Mr. *B. Blakemore.*] And to the district in which they live?—Certainly.

Mr. *William Essery*, called in; and further Examined.

2547. *Chairman.*] IS there anything further that you wish to say to the Committee?—I understand that the reason for the Committee being appointed is to consider the appointment of Local Courts of Conciliation.

2548. Will you have the kindness to state to the Committee what, in your opinion, would be the advantages of Equitable Councils of Conciliation?—I stated,

Mr. *W. Essery.*

29 April 1856.

in answer to a question which was put to me on a former occasion, that I would suggest the extension of the present Boards of Trade, with, perhaps, the addition of an officer of a similar character to the Judge Advocate, and that I would have these Boards to emanate from the Board of Trade. In the second place, I proposed that County Courts should be established, with the sheriff as the presiding officer, the members to be elected from the ablest members of the local Boards. I beg to propose further to the Committee, that local Boards, with a coroner or barrister as the chairman, the members to be elected by the people engaged in the trade, should be appointed for each locality. My reason for saying so is this: for upwards of 20 years my attention has been constantly directed to this subject, and I find that there is no end to the little differences of views in a thousand various forms which tend to contentions between the masters and the men. There is no tribunal on which such masters or men can fall back or rest with any confidence. The magistrates are by no means in the confidence of either the masters or the men; the men refuse to go to the magistrates because they consider it is putting them in the position of criminals; the masters refuse to go to them, because they will not be bound by their decisions; they consider it beneath them; the consequence is, that in the present state of things, if we refer to the law at all, we simply fall back upon the County Court. As to the matter of wages, the County Court is not satisfactory, because the process is of such a slow and expensive character, that a number of men prefer losing their wages to having recourse to it.

2549. Your opinion is, that the present state of legislation upon the subject is not satisfactory?—It is quite the reverse; I may just state to the Committee, in order to illustrate in a strong manner the cause of those disputes, that in one case a dispute between a master and a workman about 1*s.* led to an expenditure of 104*l.*

2550. Your impression is, that those local Boards of Conciliation would prevent those disputes which are constantly occurring?—Yes.

2551. How did this dispute cost 104*l.*?—It arose in this manner: the strike occurred in a shop where there were 34 or 40 men, and we had to support them until they got to work again.

2552. Mr. *Kinnaird.*] Did you give them full wages?—No; we pay men under such circumstances what we consider half wages; 18*s.* a week.

2553. *Chairman.*] Do you think that 36*s.* a week is the wages of men in your trade?—The standard of our wages is 36*s.* a week, but I am sorry to say, that in the existing state of our trade it is anything but the fact that we get those wages; it would be impossible that if local Boards should exist, to which we might have referred, the result would have been so disastrous to us; above all things, seeing that the shilling was justly due to the man. There was another case of a similar character, with regard to the men employed in a first-class house.

2554. From the statement which you have made, it appears that whenever a dispute arises between the masters and the workmen, which is very frequently the case, a strike might be prevented by a Conciliation Court?—There is no doubt of it.

2555. All those differences between masters and workmen might be adjusted by these Councils of Conciliation?—Exactly.

2556. Mr. *B. Blakemore.*] Are there not disputes of greater magnitude than those to which you have referred, frequently arising in your trade between your employers and yourselves?—In our trade we have not those large strikes that occasionally take place in other parts of the country, because we are, so to speak, subject to a constant state of depression, which is not the case in the manufacturing districts; there it is a violent fit; we are subject to a constant state of depression; it is the constant practice going on between parties of two or three over the whole surface.

Martis, 6° die Maii, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Apsley Pellatt.
Mr. Wise.	Mr. Gordon.
Sir Henry Halford.	Mr. Kinnaird.
Mr. Pollard Urquhart.	Viscount Goderich.
Mr. Leveson Gower.	Lord John Manners.

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Mr. *William Maitland*, called in; and Examined.

2557. WHAT is your situation in life?—I am a Potter.

2558. In what department of the trade are you?—I am in what is termed the clay department of the trade.

2559. Can you give the Committee any information as to the subject under our consideration?—Having been engaged in the trade for so many years, and seeing the great causes of difference that have arisen in it from time to time, I have thought, along with many others, that there might be some remedy proposed, although we have never had an opportunity of doing anything of the sort until we saw that there is an effort being made by the present Committee; and we believe, one and all of us, that if the efforts of this Committee are crowned with success, it will do a great deal towards putting a stop to those bickerings and bad feelings which have manifested themselves, both which often arise through circumstances which might have been avoided, and to strikes and turn-outs as well.

2560. Have you had anything like strikes or opposition to the masters in your district?—We certainly have had opposition from the manufacturers, but there have been faults on both sides, and when things could not be amicably arranged for want of a proper tribunal, the men have always had recourse to strikes.

2561. Therefore, is it your opinion that such a tribunal as has been suggested to this Committee would be of service?—Yes, of essential service.

2562. Would you state to the Committee why legislative enactment in these cases would be more beneficial than a voluntary arrangement?—I am afraid that if it were left to voluntary arrangement, there are some parties who would not submit to it; but I think, generally, the moral influence that it would effect upon the employers and employed would certainly cause the greatest portion of them to approve of it; and it would have a great weight from the fact of its emanating from a Committee like the present.

2563. You think therefore that both the moral influence, and the bearing of public opinion, would induce the operatives and the masters to agree to compromise with greater facility than they do at present?—I do indeed.

2564. Have you had any strikes among yourselves in the particular department of trade in which you are engaged?—Yes, we have had strikes.

2565. Will you state the particulars of them to the Committee?—I think the greatest disputes which have arisen for the last few years, were five or six years back, in 1850 or 1851.

2566. Mr. *L. Gower.*] Was that in a season of prosperity in the trade?—Strikes generally take place in periods of prosperity. If you look to the history of strikes, you will always find that when men know that they have a good guarantee at their

Mr. *W. Maitland.*

6 May 1856.

backs of being supported by their friends in the country, that is the time they strike, if they have grievances; and that is the only means of relief they have to fly to.

2567. *Chairman.*] Will you have the kindness to state how these strikes took place?—The last strikes have taken place generally through bad usage in the system of "good from oven;" but they partially arise from the lowering of prices.

2568. Have the masters or workmen in your trade taken any steps to prevent those strikes in future?—We have agreed with the manufacturers (that is to say, not as a body, but with the parties that we have individually had to deal with), within these last three years, to settle our disputes by arbitration.

2569. Has that attempt been successful?—Very successful.

2570. Has it answered in every instance?—It has answered in every instance.

2571. Will you have the kindness to explain to the Committee why, if that is the case, you think that any legislative enactment is necessary in regard to this matter?—The principle of arbitration has only at present been tried, I think, in five or six cases; consequently we do not exactly know what is the general feeling upon the subject; although I believe the chairman of the Chamber of Commerce admitted, last week, that the employers were agreeable to it generally as a body; and that that is a fact I have very little doubt, as I believe he spoke conscientiously, and would not mislead this Committee. Then I say that at once all the workmen, of course, would be of the same opinion; but should not they be of the same opinion, a legislative enactment would be the best means to enforce it. If it was possible, I would have it enforced, if it could not be brought about by any other means.

2572. Will you state to the Committee how far, in your opinion, legislative enactment ought to go?—A legislative enactment might go thus far, to say that in cases of disputes arbitrators should be called in, and if they could not decide, that another individual, a seventh, or a ninth, or a fifth, as the case might be, should be called in (it would be of little consequence what the number was, so that it were sufficient) to decide between the conflicting parties.

2573. But if, ultimately, the parties did not agree, what should be done?—I would place a moderator over them, or I would give the Government the power of doing so.

2574. That is to say, you would have so many operatives and so many masters, selected each by their own bodies?—Yes.

2575. So that the Board should consist of an equal number of each, and a moderator appointed by the Government?—Yes.

2576. Would you recommend that their decisions should be final?—Yes.

2577. Do you think that would satisfy both parties?—I have not the least doubt of it.

2578. It is your opinion that the moral influence of such a tribunal would silence those who were discontented?—Yes, it is.

2579. Mr. *Wise.*] Did not you state that the decisions of the arbitrators in the Potteries had given satisfaction whenever those decisions had been given?—Yes.

2580. How are those Boards of Arbitration appointed?—They are appointed by the journeymen potters of the same branch as the contending parties; if it is a case of a flat-presser, and there is to be an arbitration upon the hollow ware and flat-pressers, they are chosen to do the business, and the same with other branches.

2581. How are the masters represented?—The Chamber of Commerce, I believe, chooses their arbitrator, or the aggrieved party sends to whom he likes and he selects them himself.

2582. How many are there of each party?—There have been three from each party in all the cases we have had to deal with.

2583. Is there any chairman appointed independent of those three on each side?—There has been no occasion whatever for anything of the sort at present.

2584. How long has the principle of arbitration been in use in the Potteries?—I believe about five years; I have a case of that date along with me.

2585. From whom did the proposition of establishing these Boards emanate?—I am not exactly sure whether it emanated from the manufacturers or the workmen, but I believe, to the best of my knowledge, it emanated from the manufacturers.

2586. When an arbitration has been demanded in your district, have either party experienced any difficulty from the unwillingness of either party to lay evidence before the Court of Arbitration?—None whatever; we have never had any difficulty at all at present.

2587. Have any strikes taken place in the Potteries since you have adopted in your agreements the system of arbitration?—Not a single strike, I believe, has taken place since that plan was adopted; none has occurred to my knowledge.

2588. Can you give the Committee some idea of the manner in which the cases have been settled which have been referred to this Court of Arbitration?—I can; Messrs. Heaths, of Tunstall. The gentlemen present at this arbitration were Messrs. Mayer, G. F. Bowers, and E. Wedgwood; and the workmen were William Coates, T. Brammer, and S. Stevenson. The second resolution was, that the agreement between the employers and the employed be recognised as valid; and the third, that the statement of the complainant be heard first, and the employers or employed immediately to follow, without discussion. Then there are six of the workmen who gave evidence. The decision they came to was, that in their opinion the system of "good from oven" was established to protect the manufacturers from imposition by unskilful workmen, and that where the injury was occasioned by the fault of the workman he should bear the loss, but that all work that comes into the warehouse bad from any other cause should be paid for by him. This is the principle that has been acknowledged by the manufacturers, and the workmen as well, and I have never seen it acknowledged before. We began to get tired of strikes and turn-outs, and wished to cultivate a more friendly feeling with each other.

2589. Is not the system which you call "good from oven" one of the main sources of disputes in the Pottery districts?—I believe it is.

2590. Did the operatives believe that in the discussion of those differences in the Court of Conciliation they were in any degree brought to such a minute point that great difficulties on the subject were overcome by the decision of that court?—They believed so.

2591. It had a happy effect in the district?—A very happy one.

2592. Has the district felt that when masters and operatives could calmly discuss such questions it has led to a happy termination of the dispute?—Yes.

2593. Has any good effect arisen in the district from that decision?—I believe that it has put a check on in some places; and I am glad to say that a great improvement had taken place before the trial; indeed I do not know whether the trial would have been brought about if the men beforehand had been a little more independent, and acted as men rather than like slaves and serfs. There are men who dare not ask for their rights; there are men who are afraid of going to their employers and telling them what is right and what is wrong, because the badness of trade might perhaps operate against them, for one thing, and the dread of losing their situation, and consequently they do not like to interfere in these things; they will rather suffer. But when a trades' union is at the back of these individuals they are brought out, and they make their complaints, and they are supported.

2594. Do you think that if these courts or tribunals existed throughout the kingdom, in the manufacturing districts, they would have a tendency to render those unions and co-operations unnecessary?—I do not think they would altogether, for the men are not bound together in union merely for the protection of their prices; that is partly the cause.

2595. Many of them are benefit societies, and provident societies?—Yes, there are a great number which have benefit societies connected with their unions, and there are a great many members who are too old to enter into other societies; consequently it would be a folly to expect such societies to break up altogether.

2596. How many years have you been employed in the Pottery district?—Forty years.

2597. How many people are there employed in the whole of the Staffordshire Potteries?—I should think there are something like from 40,000 to 50,000.

2598. How many different classes of employment are there, the stoppage of either of which would stop the employment of the whole population of the district?—There are all the branches of the potters; and the stoppage of one would stop the whole of them altogether.

2599. If the colliers were turned out, for instance, it would stop the potteries?—Yes, it would.

2600. Are there not some departments of the pottery trade which, if they

Mr. *W. Maitland.*

6 May 1856.

stopped, would necessarily stop other departments of the same trade?—Yes, there are; if the oven men stopped it would stop the whole of the manufactory; if our two branches, which work "good from oven" stopped, the manufacturer could not complete his orders on account of the want of those articles that we produce; consequently, in the course of time, they would all be obliged to stop.

2601. Therefore a court of this sort would be of especial advantage to such a district as yours?—I know no part of England where it would confer greater advantages than it would in the district that I come from.

2602. You have alluded to the subject which was mentioned by the Chairman of the Chamber of Commerce the other day as the main source of disputes in the Pottery districts; namely, the system which you call "good from oven;" who are the parties principally interested in that question?—The hollow-ware pressers and the flat-pressers.

2603. Can you tell the Committee why it interests them more than any other class of the operatives?—They are the only two classes that are subject to its operations. I cannot remember the origin of the "good from oven" system myself; but I often have heard that it was brought into operation first with respect to the common clay; in fact we know it must have been, because experience tells us that there was none other used at the time that they commenced. At first they decided that the commonest clay should only be subject to the "good from oven" test; that would be in the early age of potting. The china clay, and the stone clay, which are more brittle, were not subjected to the test of "good from oven" for a great number of years. In short, the stone clay has not been subjected to the test generally until within these last 15 or 16 years; that is, in some cases; neither were coloured bodies. Everything was free from the principle of "good from oven;" but the commonest material that was manufactured. At the time of the adoption of this principle, it was no hardship at all; but hardships have crept upon us with improvements in the material, and it has since become such a grievance that it has caused endless differences and disputes, and has done a great deal of mischief which never would have occurred had it not been for the carrying out of its details.

2604. If I understand you correctly, the "good from oven" system was applied in former times when the material was not of a brittle character; but that now a great deal of felspar and other light articles which are liable to crack are mixed up with the material, and therefore the articles are liable to break in the oven?—I believe that is the fact. There have been great improvements made in late years in the bodies of earthenware; it is called earthenware, although some of it is marked as stone, and some as semi-china, and so on. In fact, a few years back it would have been all sold for stone, and I have no doubt it is yet, because I can scarcely tell where stone table ware is manufactured; there are but few places. But there are a great number of stone jugs and other articles of that description made.

2605. Does not the grievance in this case arise from the fact, that some parties are subjected to a loss from the neglect of others over which they have no control?—Yes; those whose work goes into the oven are subject to the loss which is occasioned by the placers, in the first place; that is the first man through whose hands the work goes; in the next place, it is subject to loss in the carrying it from the oven to the warehouse; in the last place, it is subject to loss in the warehouse in the emptying out of the baskets, in the ware being nipped and broken one against the other. It is subject to losses all through until you get the money in your pocket for it.

2606. Are you of opinion that an intelligent and honourable foreman can always discover upon whom the damage should be laid?—I am of opinion that there never was a piece of work made but what I myself could detect a fault in it, if I were shown a piece of work before it was fired.

2607. Then why does the grievance exist if the facility is so great for discovering with whom the fault lies?—I do not know that it does exist, except with unskilful persons; they require a practical man to do this. If a manufacturer has an agent who is anything like a practical man, who would look the work over before it goes into the oven, he could detect a piece of work in a moment that was either unskilfully made, or pieced in such a degree, that it would be bad.

2608. Are you of opinion that this main source of disputes in the Pottery districts might be with advantage referred to such courts as you have mentioned to-day?—I believe it might.

2609. Do

2609. Do you think that both the masters and the operatives would be willing to abide by the decisions that should be come to by such courts?—I am sure the operatives would, and I believe that Mr. Hollins told the truth when he said that the manufacturers would consequently agree; there would be very little difficulty in bringing it about.

2610. The chairman of the Chamber of Commerce alluded the other day to the annual agreement which is made between the potters and their employers; can you state the opinion generally in the Pottery district with regard to that agreement?—The opinion about the last agreement is very different to the opinion about the former agreement; the last agreement is a great improvement upon the former one, inasmuch as it contains the arbitration clause. There are objectionable things in it, it is true; for example, there is its want of mutuality: a man is not allowed to give notice to leave his situation, although he can mend it, if the manufacturer can find him four days' work in the week. He must find him sixteen days' work in the month, and if he does so, the man is not allowed to better his condition; whereas the master only binds himself to the man at four days a week, while he hires the man for six days if he wants him.

2611. Can you tell the Committee what is the average wages in the Pottery district?—We did strike a balance of that sort as well as we could a few years back, and the result was something like 20 *s.* a week.

2612. Was that for the earthenware department or the china department, or was it an average of the whole?—That would be about an average of the whole. The china workers are generally better paid than the earthenware workers are, and especially in such a firm as Messrs. Minton & Company. I dare say the china workers would earn as much as Mr. Hollins stated.

2613. Which was 25 *s.* a week, was not it?—Yes, I believe that was the sum.

2614. That you believe to be an average?—Yes, for his own men in the china department.

2615. Do you think that these agreements might be submitted to a Board of Arbitration, and that a well-defined agreement might be drawn up so as to be satisfactory for all parties?—Yes, I do.

2616. If you were suggesting an improvement with the view of preventing future strikes, what alteration would you propose in the present agreements?—Simply that each party should have to give a month's notice, without any qualification whatever, when they were tired of each other from any cause. A man will not leave a good master if he is doing well, and the master will not turn off a good servant; but when they were tired of each other a month's notice should be sufficient in either case to terminate the agreement.

2617. In regard to the election of this Board of Conciliation, what qualification should you think necessary for the electoral body?—I should say simply that of being a journeyman, or having served his time to the trade. If they were choosing representatives, being a journeyman should be a qualification.

2618. *Chairman.*] Would you have them registered, or how would you decide whether a man should vote or not?—We should have a register, inasmuch as if he be an apprentice, we should know whether he had served his time or not.

2619. Mr. *Wise.*] In the Potteries, do the men of your districts at present serve seven years to the trade?—Yes, they do.

2620. That would decide whether a man was a journeyman or not?—Yes.

2621. You mean by that, that you think the people who should act as arbitrators should not be days' wagemen, but should be men who, having served their apprenticeship, are qualified to judge of the character of the work, and that such arrangements should be adopted for every district?—That is what I mean.

2622. Mr. *L. Gower.*] Under the present system, do the journeymen elect the workmen who are to be arbitrators?—Under the present system the journeymen do it.

2623. Do the workmen of the whole district of the Potteries elect them, or those of the particular district where the dispute arises?—Perhaps it would give greater satisfaction if the whole body of workmen elected them.

2624. At present what takes place with regard to this matter?—They have been elected from their union; what they call their executive has chosen them.

2625. Are there any journeymen who do not belong to the union?—Yes.

2626. Would they be satisfied with an election by the union to which they did not belong?—I have no doubt of it. There are a great number who are not

Mr. *W. Maitland.*

6 May 1856.

connected with the union; but it is not because they do not agree with the principle of the union, but it is because of their poverty. I am sorry to say that the working potters have been very badly off for these last two years.

2627. When the men are elected to serve on these Boards of Arbitration, are they paid for their attendance?—Yes, they are; but I do not know what compensation they have. I do not know the rate of their allowance.

2628. Has there ever been any objection on the part of the masters to refer to them?—No, there has never been anything of the sort at present.

2629. Mr. *Wise.*] The question of "good from oven" is of such importance to your district, that I am anxious to ask you whether it would be possible for the workman, before he sends his goods to the oven, to have them examined by a competent person, so that it might be determined whether they were properly prepared or not?—If the system of "good from hand" were adopted, the best thing that could be done would be to appoint a competent person to examine the work, and he would be at once able to detect whether the workman had sent a piece of work, or wished to send a piece of work, into the oven that would turn out bad; he would be able to detect it in a moment, and to put it on one side. It would be the best thing that could be done to appoint an individual of that description. Any practical man could detect it.

2630. You have been 40 years in the business; are you of opinion that the "good from hand" principle would not only promote the peace of the whole district, but would also do justice to the manufacturer?—Yes, in my opinion it would.

2631. Mr. *L. Gower.*] Does not the fire of the oven prove whether the work is bad?—It may be detected in that way, but it may be proved before the work goes into the oven.

2632. But is it not certain to be proved after it comes out of the oven?—No, it is not. I have seen the best work that ever was made by human skill go into the oven in a sound and perfect state, and I have seen it come out bad, through the uneven cooling of the oven. The air has got in too fast.

2633. When that takes place, does it not affect all the rest of the goods which are put into the oven?—The flattest and largest goods are most subject to any such influence; a thing like a jug, or something of that sort which has not a large foundation to it, is not half so subject to the dunt (as we call it) as a dish.

2634. Mr. *Wise.*] Have not the new and more ornamental shapes which have been recently adopted, as well as the character of the material, tended very much to injure the workmen with regard to this "good from oven" question?—They are more subject to losses through the new shapes than they were through the old shapes. The rounder and plainer the shapes are, the less they are subject to loss in the oven, or even before they go in. A round piece of work will contract far better than a square piece in the drying of it, inasmuch as the corners, which are deeper in a square article, do not dry so fast as the other part that is most open to the fire; but with a round piece, the fire gets to it all at once, and it contracts loosely from the mould all at once, and it is not so subject to breaking or becoming bad as a square piece is.

2635. You have stated in reply to a former question that this was not always a question of the heat of the oven, but that there was also a third party who might be guilty of having produced an inferior material, whereby not only the workman is injured, but the master himself is injured; may not the slip-maker be in fault; may not the material itself be of such a character that the workman may be extremely injured, although the oven was properly heated?—Yes, either of those circumstances may cause it; the slip-maker, in the first place, might so neglect his duty as to cause it to be in such a state, that when it came to be used the goodness would be gone out of it, and consequently it would be subject to greater loss than it would if it were properly attended to and properly made.

2636. So that, if I understand your evidence correctly, a man may be excessively injured by an injury to articles over which he has no control whatever?—Yes. In the second place, the same thing may happen if the manufacturer buys a bad flint; he may be imposed upon; it is not in all cases that they are able to detect it.

2637. Mr. *A. Pellatt.*] With reference to your suggestion of "good from hand," when the goods are made, are not they put upon boards to dry?—Yes.

2638. Would

2638. Would not that system involve extra labour in examining the goods, and would not there be breakage in examining them?—The more you have to do with them, the more subject are they to be broken, but the work has to be taken up two or three times over to be examined.

2639. They would have to be taken up two or three times over, and they would then have to be examined specially for the purpose of settling the wages; would not that be a hinderance to the work?—A skilful man would take out a board of looked-over work (that is to say, work prepared for him to look at), and in a few minutes he would detect any bad work from amongst it.

2640. Would not that involve a loss of time?—A little loss of time, but it would pay the men who work "good from oven" to pay a man's wages of that description, to prevent the evil arising from our system.

2641. The workmen are only liable to losses for their own bad work; does the oven man suffer for the loss he occasions?—No, he does not generally.

2642. His fault is not to be charged to you?—It is in many instances, but in some instances it is not; and that is the case with bad material; and, perhaps, in some cases of cooling, it is not altogether the oven man's fault.

2643. Who are you working for now?—I am working for Mr. Venables, of Burslem.

2644. How many workmen are there employed in those works?—I think there are about 18 in the same branch as I am, that of hollow-ware pressers, and 12 or 14 flat pressers; those are subject to the "good out of oven" test, and I think those are the whole of the hands that are subject to it.

2645. Did not you state just now that there were 45,000 workmen, or thereabouts, in the Potteries?—There are that number of workmen of all sorts, including women and children.

2646. How many of these are subject to the arbitration agreements?—There has been nothing settled by arbitration, except the "good from oven" cases at present.

2647. Does that clause affect the painters?—It might do so, but I am glad to say that there is no other branch of potting that has had so much cause for dispute as the "good from oven" branch has had.

2648. Do not the painters paint upon the glaze in a great measure?—Yes.

2649. That is subject to a further exposure to fire and to further losses. Are the painters subject to the same laws as you are as to "good from oven"?—No.

2650. Why not?—I do not know; I can show no reason for it.

2651. Did not you say just now that for a long period this "good from oven" system has increased in certain branches where it did not previously exist?—I mean to say that it has increased in hardship.

2652. Did not you say that it did extend to china ware, although it had not previously existed there?—Yes; that is with respect to the stone china ware and coloured bodies.

2653. During the introduction of the "good from oven" system to a larger extent, have your wages increased, or have your wages diminished?—I do not think there has been much alteration, although I can recollect the time when there was more money got by skilful hands; but there are more skilful hands now, because the proportion is great deal larger than it was then in comparison with all the hands employed in the work.

2654. Generally speaking, do they get more money than they used to get?—No, about the same in our branches of the trade.

2655. Do you think that if the "good from oven" system were discontinued you would get more wages than you now do?—Yes, I have no doubt of it.

2656. If the masters found that they were undersold in the market, would not they be compelled to give you less wages if they did not continue the "good from oven" system?—If a manufacturer gives a certain price for the making of his work he will take care that he will not be undersold, inasmuch as, if he does not, he will find himself minus.

2657. Is there any restriction upon the number of apprentices employed in your trade?—No.

2658. There are no laws upon that subject in the union?—No; we are on very good terms with the employers in that respect; we never interfere with each other.

Mr. *W. Maitland.*

6 May 1856.

2659. Mr. *L. Gower.*] You have stated that strikes occur in prosperous times; do you think that if prosperous times return the system of arbitration will continue to prevent strikes?—Yes, I do.

2660. Did you ever know any manufacturer refuse to insert this arbitration clause into his agreements since it has been established?—No; I do not know that they have, when they have been applied to.

2661. Are there any manufacturers who do not insert it?—There are some manufacturers that never want applying to upon this subject. I am glad to be able to inform the Committee as to such places as the establishment of Messrs. Wedgwood & Brown, of Etruria, that if they were all like them there would be no occasion for legislation upon the subject.

2662. Whenever the arbitration clause has been asked for from them it has been always granted?—It has.

2663. Have you talked with your fellow-workmen upon these proposed Courts of Conciliation?—We have talked it over more, I dare say, in these last two or three months, than we ever did before.

2664. Do they generally approve of it?—Generally.

2665. Supposing that it required some money in order to carry out this proposal, do you think that the workmen would be ready to bear their share of the expenses?—I have no doubt of it, and I think that they ought to do so; if it is a preventive against strikes. It would be a great saving to the parish to establish Courts of Conciliation, instead of having the alternative of strikes.

2666. Mr. *Kinnaird.*] In consequence of what has passed in this Committee, have you met for the purpose of considering this question?—We have met, but not for the sole purpose of considering this question; when it has been moved, the operatives have seemed disposed to render all the assistance they could for the furtherance of the objects of the Courts of Conciliation; the more extensive the knowledge of it becomes, the better the principle is liked.

2667. Mr. *Wise.*] Were not you specially deputed, as a kind of representative of the workmen of the Potteries, to give evidence before this Committee?—There was a deputation of both the branches which are subject to the system of "good from oven," which met me on Saturday night, and gave me all the documents and the evidence which they possibly could; I wanted very little information, because I have been in the trade so long, that I think no man knows more about it than myself; they recommended me what to do, and they told me that I should say all I could to facilitate the object that the Committee had in view.

2668. Then you come here rather in a representative character than as an individual?—I come here especially as a representative of the two branches of trade to which I have referred, the hollow-ware pressers, and the flat pressers.

2669. Sir. *H. Halford.*] You are not the paid secretary of any association?—I am not.

2670. Mr. *P. Urquhart.*] Do not strikes often arise from mere disputes about the quality of work, and not from disputes about the amount of wages?—There are strikes that have been brought about by very trivial means. It does not apply exactly to our trade, but I have no doubt that it applies to a great number of trades, and I have no doubt that all those cases of strikes would be prevented, even in cases of wages, by Courts of Conciliation.

2671. Do any disputes merely about wages, irrespective of the quality of the work, occur in your trade?—There are very seldom disputes about the quality of work, unless it has undergone the "good from oven" test; and the question there is, as to whether it is the fireman's fault or the workman's fault.

2672. You said just now that strikes often took place in periods of prosperity; is that because the workmen think that in consequence of the increased profits of the employer they are entitled to an increase of wages?—Nothing of the sort; they could not possibly strike when there is nothing to do.

2673. When there is plenty to do, is it not done in order to get an increase of wages?—The greatest strikes that have taken place have been to get back what has been taken from the workmen in years gone by.

2674. Do you mean what has been stopped out of their wages for bad work?—No; in the case of the Preston strike, the 10 per cent. was taken off some years before, and they were promised at the time that when times got round it should be returned, but it never was; they offered to submit to an arbitration, but the masters refused, and a strike was the consequence.

2675. Do

2675. Do you think that almost all the strikes that are generally supposed to be for wages are in reality from some reason of this sort?—I have no doubt of it.

2676. And that a Court of Arbitration would settle these disputes without attempting to interfere with the question of wages?—I think it would; I feel confident it would in our trade.

2677. *Chairman.*] Assuming that such a council as you recommend were formed under a legislative enactment, would you have this council arrange matters in dispute over all the Potteries, or would you suggest that each separate locality of the Potteries should have a separate council?—One council would do for all the establishments in the whole of the district.

2678. Your idea is, that one council for the pottery trade in your vicinity would be sufficient?—Yes.

2679. Would you have that council extend to all the potteries in England, or merely to the potteries in that particular district?—That would perhaps be a matter for further consideration. The distance between the places would be so great, that it would perhaps be impossible to do it without incurring a great deal of expense. I do not consider that Courts of Conciliation would be expensive courts, but rather otherwise; I think they might be managed very cheaply.

2680. Then you would have these Equitable Councils of Conciliation extend over the locality from which it is convenient for persons to attend?—Yes.

2681. If there are other localities where the trade is carried on, they must have courts of their own?—Yes; it would be quite competent to them to do so.

2682. Mr. *A. Pellatt.*] Do you think that Worcester and Colebrook Dale will each want separate councils?—Yes, perhaps they might; but they would be a great deal nearer to each other than we are to them.

2683. *Chairman.*] Generally speaking, each district should have its own Council of Conciliation?—Yes.

2684. In reference to the manner in which the representatives to the Equitable Council of Operatives in your trade were elected, did not you say that all those who had served their apprenticeship are entitled to vote?—The representatives have been elected by the journeymen of the same branch to which the aggrieved parties belong.

2685. Mr. *A. Pellatt.*] Were not they elected from the union?—Yes; but if you are to legislate for the future, there should be as many to form the court as there are branches in the trade; perhaps there would be four or five in the potting trade.

2686. *Chairman.*] So that each branch of trade should have one representative?—Yes.

2687. Supposing there were 12 or 14 different branches in any trade, would it have as many members in the Council of Conciliation?—I think that difficulty might be obviated in this way, that you need not have 12 or 14 members, but only members for that branch of the trade to which the party aggrieved belonged; and I would call one from the other branches.

2688. What would you say would be a good working number of delegates from the operatives to the Equitable Council?—I should say five at the most.

2689. In France and other countries there is a greater number; do you think five sufficient in this country?—Yes; the less there are the more likely they are to come to an agreement.

2690. And there should be the same number of masters on the Board, of course?—Yes, of course.

2691. Mr. *Wise.*] Do you think that such questions as sanitary arrangements in the manufactures might be referred to these Courts of Conciliation?—I think that if there were a sort of general Board established over these Courts of Conciliation, consisting of three or five individuals, according to the number that may be thought proper, and if this Board had the government of the affairs of the trade, and had it in their power to recommend sanitary regulations, or arrangements of any description that they thought right, it would be a good thing; they should have it in their power to recommend manufacturers to make improvements either in the arrangement of the work, or in sanitary regulations, or in price; in fact, they should have it in their power to recommend anything that they thought proper; and all frivolous cases should be taken before the General Committee without calling the arbitrators together and causing expense. I think there would be

Mr. *W. Maitland.*

6 May 1856.

be nine cases out of every ten settled without calling the arbitrators together, if there were a kind of central governing committee over the others.

2692. *Chairman.*] With regard to the chairman of the committee, who should have a casting vote, would it be better if both the masters and the operatives elected him, or if he were appointed by some authority?—I think that a man of that description should be appointed by some authority; I would say Government.

2693. By the Board of Trade, or some such authority?—Yes.

2694. You think that would be better than leaving it to the parties themselves?—I am satisfied it would; and although men of that description may know nothing about the trade, I think a very little training would make many efficient judges in Courts of Arbitration.

2695. Would not the person who was nominated by that high authority go more by law than by equity; and would not the individual selected by common consent of the representatives of masters and workmen be more inclined to have equity in his decision?—We are not so unfavourable to the laws of our country as to think that we could not have justice administered under them in cases of that description; I think he would give such decisions as would satisfy the workmen.

2696. You do not like a reference to a neighbouring magistrate or a justice of the peace?—No; that is not generally relished.

2697. Mr. *Wise.*] Do not people connect crime and misdemeanor with going before a justice of the peace?—Yes.

2698. So that a conciliatory effort of this sort had better be taken before any party than before a magistrate?—Yes; it would in almost every instance be settled before the time it came to his hearing, and a great deal more satisfactorily too.

2699. You have been asked how the expenses of those courts should be paid; can you tell the Committee what were the losses to the Pottery district during the largest strike?—Between 40,000 *l.* and 50,000 *l.* I think, to the best of my recollection; I could not positively say; but it was a great amount of money, at all events.

2700. That is the loss of wages?—Yes.

2701. That is only one portion of the losses that followed this strike?—Yes.

2702. Was not there a large sum paid by Sheffield, and a great number of towns, in the shape of a loan?—Yes, there was; but it was not so much as has been talked about, and a great portion of the whole, I believe, has been paid back.

2703. *Chairman.*] Was that 40,000 *l.* lost by the operatives alone, or by the masters and the operatives?—It was lost to the operatives in the shape of wages that ought to have been earned during the strike.

2704. Was not there also a great loss to the masters, by having no profit upon their capital?—Of course there was. I think Mr. Boyle's statistics take it at 100,000 *l.*

2705. Mr. *Kinnaird.*] What was the duration of that strike?—It commenced in September 1836, and I think it ended in March 1837.

2706. Mr. *A. Pellatt.*] Were there any riots during that strike?—No.

2707. How did it end?—It ended with the masters agreeing to alter the system of "good from oven," to make it more palatable to the men. There was a concession made on the part of the masters at the time, as to an alteration of the agreement, which made it rather more satisfactory to the men; in fact, it ended in the men getting something like a decent bargain, only the loss of their wages had been occasioned.

2708. Mr. *Kinnaird.*] Do you think that the ultimate result of the strike was beneficial to the men?—I do not; I think that if the masters would have settled it by arbitration, as the men wanted in the first instance, the strike would have been avoided altogether.

2709. *Chairman.*] Did the men make a proposal for arbitration, which the masters refused?—Yes.

2710. Mr. *Wise.*] Should the expenditure which would be occasioned by these courts be in the shape of a vote, from the parochial funds, of a special rate levied upon the masters and operatives?—I think, from the view that I take of it, it will not incur much expense, and that the public would not object to the payment of a small rate for a purpose of that sort if they felt satisfied, which I do, that it would have the tendency to effect a radical cure in preventing strikes; because it would be

be better in the first instance to pay 4 *d.* or 6 *d.* in 12 months than to run the risk at the end of every two or three years of losing two or three months' wages.

2711. Then you would take the small amount that would be required from the parochial rate?—Yes; or in any way, so that the ratepayers paid it. I think that the loss is so large to the parish, that we have a mutual interest with them in preventing strikes; the parish burthens are generally augmented in times of strikes.

2712. Sir *H. Halford.*] How do you contemplate that the expenses of these Boards will be incurred?—Perhaps there will be evidence required, and the working men who arbitrate, of course, will expect to be paid their wages for the day or the half day they lose by it.

2713. It will be necessary that there should be a fund in order to pay the persons employed in the arbitration?—Yes. I think a small amount in each locality will be sufficient for the purpose.

2714. Divided equally between the masters and the workmen?—Yes, of course.

Mr. *Joseph Avent*, called in; and Examined.

2715. *Chairman.*] WHAT is your situation in life?—I am a journeyman Compositor.

2716. You are aware of the purpose for which this Committee is assembled; have you any general observations to make upon the subject which is before us?—As far as my own business is concerned, I am ready to answer any questions that may be put to me.

2717. Are you in favour of Councils of Arbitration?—I am.

2718. Will you state to the Committee your reasons for that opinion?—I believe that the course we have taken lately with reference to these disputes will be far preferable to courts of law; for I find, in reading a brief history of the art of printing prior to the year 1810, that disputes frequently occurred not only between the employer and the employed, but between the booksellers and the employers also; and it was not until that period that any definite scale was established for our guidance; and in the year 1847 it was considered necessary that that scale should be again revised, which was done by a committee of employers and employed. Still various matters of dispute at times occurred, and the consequence was, that such differences of opinion were taken before courts of law; but such law decisions being anything but satisfactory to all parties, the employers finally agreed that all future disputes should be settled by arbitration, which was gladly acceded to by the employed. It was then mutually decided that a committee of each should be again formed to draw up rules, a copy of which I hand to the Committee.

2719. Have you found that these rules answer their purpose?—Fortunately for us, we have had no occasion to try them yet; but the employers are very willing to adopt them; it was also their own wish.

2720. Is it your opinion that any legislative enactment will be necessary for the establishment of these councils, or do you think that they can be formed without any such enactment?—I have drawn up a statement, which I will read, which gives my ideas upon the subject. It is as follows; In order to avoid and guard against strikes and locks-out as far as may appear possible and practicable, it shall be lawful and just for any number or body of employers or their agents, of what trade or calling soever, and their workpeople or their operatives, to form themselves into Arbitration Committees for the purpose of settling all matters of dispute, either as regards wages or any other kind of dispute whatsoever, in any part of the United Kingdom of Great Britain and Ireland; and at the same time it shall be lawful and just that each trade or calling, or any branch or section of any trade or calling whatsoever, may be allowed to draw up their own rules and regulations, and that they be allowed to appoint their own committees, both as regards employers and the employed, and the equal numbers thereof; and also that they be allowed to agree amongst themselves to appoint their own umpires and their own places of meeting for hearing the same; and that such decisions shall become binding and lawful, as already partly provided for in clause 2 of Act 5 Geo. 4, c. 96, being with the mutual consent of both master and workmen. Having by their own acts, being purely optional, and not the act of the law, become and made themselves members of such Arbitration Committee, similar to any already legally constituted society. This is an extract from the rules of the Printers' Almshouse Society:—

Mr. *J. Avent.*

6 May 1856.

Society:—"That in case of any dispute arising between this society and any member, or person claiming on account of a member, reference shall be made to arbitration, pursuant to 10 Geo. 4, c. 56, sect. 27;" and that all awards be made imperative on either party as the Act 5 Geo. 4, chapter 96, clause 24, provides for; and whenever any matter of dispute shall or may arise, both parties shall be bound to forward the nature of their dispute in writing, duly signed by the secretary or secretaries of either committee, before any case can be adjudicated upon. Such rules and regulations to remain in force until mutually agreed upon to alter the same, of which due notice must be given as may hereafter be agreed upon. For example, supposing in any large town there are twenty employers in any business, and out of that number, two, three, four, or five of them agree to form themselves, with their workpeople, into such arbitration tribunals, I would not by any means endeavour to compel the others to do likewise; but should any of them be desirous of joining, I should by no means reject them, leaving it purely optional to all parties.

2721. You would only have Councils of Arbitration when they were desired by both parties?—In our own trade it is understood that all the employers have not come into the Arbitration Committee. I will read an extract from the report of the committee of the Master Printers Association, read at the meeting at which the arbitration rules were adopted:—"The committee are desirous that it should be generally understood throughout the trade, that the tribunal now established will be open to consider and decide upon all cases of dispute which may arise in the trade, whether the appellant be a member of this association or not." We say, "That all cases of dispute respecting prices and customs which may arise in the trade, shall be considered and decided upon, whether the appellant be a member of the society or not."

2722. Considering the answer which you have just given, do you think it necessary to have any further legislative enactment?—The only thing I can say is this, that it will be the means of opening a channel for settling disputes; but that it would have to be made binding.

2723. Do you consider that this Act of the 5th Geo. 4. c. 96, is or is not sufficient for the purpose, or do you think a further legislative enactment necessary?—I am doubtful whether the Act be sufficient, unless a clause of the sort I have suggested be put into it. I think that the Act requires to be imperative.

2724. Do you agree with the evidence that has been given by former witnesses, that parties very much dislike going before a magistrate?—Most decidedly I do; and I am certain of another thing, that were these courts established, they would think it one of the greatest boons that Government could confer; for they could then have justice done to them.

2725. Do not you consider that justice is now administered?—We have never found it so with our trade. That is the reason why our employers submitted the proposition which has now been adopted. We always have had a scale settled, for 70 years past, by mutual consent; but there are various things that have occurred to produce discord, and our employers finally, as I have just read to you, forwarded our desire that these things should be so settled.

2726. Do you recommend that some legislative enactment should be framed by which so many masters and so many operatives should form Equitable Councils of Conciliation?—Yes.

2727. Who would you recommend as the chairman or person who should have the casting vote in these councils?—I would let them settle that as we have done. We have appointed a barrister to fill that office. We have agreed that a barrister shall be elected to meet the committees upon any matter of doubt, when he may be wanted.

2728. Is it your opinion that it is more desirable that the masters and operatives should elect the chairman than that the chairman should be appointed by the Crown?—I think so. I think it would be more pleasing to each party, both to the operatives and the employers.

2729. Sir *H. Halford.*] How is that barrister remunerated for his services?—It would depend upon our own agreement. He may be engaged only one day, or two days, and his fee would be decided upon according to previous agreement.

2730. He does not receive a fixed salary?—No; that remains to be mutually agreed upon between ourselves.

2731. *Chairman.*] Will you state generally to the Committee any further observations that you have to make?—In the event of either party being willing to arbitrate,

arbitrate, it should be open to them to apply to these courts; for instance, the engineers were willing to arbitrate previously to their strike, and in that case, had there been any tribunal similar to that which we have formed, I think they would have been glad to have applied to it; and I think also that employers generally would have been glad in the same way had they had any cause of dispute with their men; but for want of these courts of arbitration, I believe that a great many of these cases have occurred.

2732. Do you attribute your having had no strikes in your trade to your having resorted to your Councils of Conciliation?—We have always had our disputes referred to our own committee; but, owing to their decisions being sometimes adverse to the decisions of the committee of master printers, there have been disputes arising which they could not finally settle, and they have been taken to courts of law; sometimes one has been the victor, and sometimes the other, but neither party have been satisfied. I had said, also, that should it so occur at any time, or in any place, that either party should refuse to arbitrate, it shall be lawful for either party who may be willing and desirous to have their disputes settled by arbitration, to appeal to the nearest Board of Appeal already established, by a memorial duly signed, provided that the employed do not strike and leave their employ.

2733. *Chairman.*] Supposing there was an Equitable Council, such as you have suggested, formed between the operatives and the masters in your trade, and supposing that this Equitable Council made such and such decisions, and that either the employers or the operatives refused to agree to them, what would you do?—Then I think that in that case each party should be bound to obey. Clause 13 of the Arbitration Act says, that where anything is mutually agreed upon between the two, the law should make it imperative upon all parties. I think that each party should be made to abide by the awards; that is my impression of it.

2734. Should such Boards of Arbitration settle the question of wages?—No; the parties must do that by themselves; that must be purely mutual. I do not think that the Government should interfere between employers and employed in that respect; but whatever they agree among themselves, for example, if the masters agree to pay the men 5 *l.* a week, they ought to be bound to fulfil their own agreement.

2735. You would not allow anything like a decision as to wages on the part of this court?—No, they must be settled mutually between the parties themselves.

2736. Sir *H. Halford.*] How are the ordinary members of your Board remunerated?—The committee on the part of the employers meet once a month, if there be any matters for their adjudication. I know nothing of their internal arrangements.

2737. Is there any fixed remuneration to be paid by the parties?—Yes; each party will pay their own expenses until the sitting of the Arbitration Committee, and when the case is settled, the losing party will have to pay the fee of barristers and the hire of rooms, all other expenses, such as witnesses, &c., being paid by the party who incur the same. The committee of the operatives sits every Tuesday evening, and we get 1 *s.* each sitting allowed us for our time and labour in endeavouring to settle any matter that may come before us.

2738. Mr. *A. Pellatt.*] What fund does that remuneration come out of?—Out of our usual fund; we pay so much a week towards our society; and I am of opinion, that if arbitration rules should be laid down for the trades of the country generally, the operatives would be able to found schools and endow almshouses, because their money would not be required for strikes, if they had any such tribunal to appeal to.

2739. The absence of strikes may be considered as a sort of savings banks?—Just so. That is what I should recommend to the trades of London generally. If the Committee will allow me, I will read a recommendation on this subject, which is as follows: "I think if the law of arbitration could be mutually arranged, trades generally would be enabled to apply their funds in the following manner: let halls or buildings be erected or rented; let them establish schools for the younger members; let them establish schools of design, where drawing may be taught; and let them make models of various kinds of mechanism and machinery, so that their buildings may become ornaments to society, similar to the compositors of London, who have not only newsrooms, but a library also, containing nearly 3,000 volumes. Such a system once established in this country, each section of the

Mr. *J. Avent.*

6 May 1856.

working classes would be enabled to instruct their children according to their own feelings and their own wishes, and in time they would accomplish amongst themselves a purely voluntary principle of national education." Were there just tribunals established throughout the country, people would have no occasion to reserve their money for what may occur.

2740. *Chairman.*] Your observation applies to all trades generally?—Yes; I want all to share the same benefit; both the operatives and the masters to have an equal share of the advantage of these tribunals.

2741. So that your evidence comes to this, that you are of opinion that if Equitable Councils of Conciliation were adopted by the masters and operatives, they would be of great service?—Certainly; the whole country should have them.

2742. And that the person who had the casting vote between so many operatives and so many masters should be selected by themselves?—I think so; I think it would give general satisfaction.

2743. How would you suggest that the expenses attending these tribunals should be paid?—I should let them settle that themselves; we have agreed among ourselves to settle our affairs, and I should let everybody else do the same.

2744. Should you recommend that one council should have power over all similar trades in other places, or that there should be a separate Council of Conciliation for each particular district?—I should let each trade regulate their own affairs, and appoint their own committee.

2745. The compositors of London have their Equitable Council of Conciliation; would you consider that this council ought to extend to the compositors in other towns, or that they should have an independent council of their own?—It would depend upon circumstances. If the printers in any place should send us any documents of any kind, and should wish us to legislate upon them, we should do it willingly. But in answer to the question I should say, By all means let us have a council in each place, because the wages in the country are very different from what they are in London. The compositors in the country work both at press and at case; they both print and compose; we in London abide by one thing only. There is a body of pressmen, a body of machine men, and a body of compositors.

2746. What is the number, do you suppose, of compositors in London?—I should say there are over 4,000.

2747. Mr. *Gordon.*] Have you ever known any prosecution taken under the Arbitration Act of 1824?—No, I have not; I do not suppose there was one man in a thousand who knew of the Act. I inquired of the secretary of our society, and he did not know of it; it was by mere accident I met with it.

2748. *Chairman.*] You think it inoperative?—I do not think it imperative enough, as we have only a portion of us agreed to arbitrate among ourselves. Whatever we agree to I think the law should make imperative.

2749. Sir *H. Halford.*] In the rules of your association does not the last paragraph refer to a standing committee?—The trade committee meet every week to settle matters in dispute that may come before it.

2750. Is not the committee for settling disputes appointed by the disputants?—The committee of arbiration is appointed by the disputants; but if anything should be required, we, the journeymen committee, meet to see if the matter could be arranged without the necessity of reference to a second committee.

2751. Then there are two descriptions of committees, an occasional committee and a standing committee?—Yes.

2752. How is that standing committee appointed?—Once in three months there are delegates' meetings.

2753. Is that stated in your rules?—No, but it is understood among the masters and operatives; we go to the delegates' meeting once in three months, and hear what has transpired in the business, and to select certain persons to sit upon the committee. If there is no dispute there is no business to be transacted.

2754. Does your committee meet on Tuesday evening, whether there is business or not?—Yes, we always meet in case there should be anything to settle; we have frequently matters of dispute that come to us, and they are settled without difficulty, and the employers even often send to ask our advice.

2755. That committee which meets regularly, is appointed regularly every three months?—Yes.

2756. But

2756. But that is not the committee to which matters of dispute are necessarily referred?—There are disputes that do not require the arbitration committee, they are so trivial in their nature; for instance, a man coming from the country, and ignorant of the London rules, comes to us for advice; if an overseer meets with any matter he does not understand, he comes to us for advice, and we give it to him.

Mr. *J. Avent.*
6 May 1856

Mr. *Charles Rose*, called in; and Examined.

2757. *Chairman.*] WHAT is your situation in life?—An operative silk weaver.

Mr. *C. Rose.*

2758. Have you been present at the meetings of this Committee?—I have.

2759. Have you heard the evidence which has been produced before us?—I have heard that evidence.

2760. Would you have the kindness to state to the Committee whether you have any further information to give us?—I have very little to say, except I was going to explain to the Committee the manner in which strikes take place in our trade occasionally from the different ways of reductions which take place; some take place one way and some another; for instance, some manufacturers, if a man makes a piece of goods ever so well, in the months of October and November take advantage of him, and say, "Here is the winter season, and these goods are to lie by; if you will allow me to give you 8 *s.* off of this piece of goods, I will give you your warps, and you may go to work, and I will lend you 10 *s.* on Saturday. Those things have been frequently the causes of turnouts, which turnouts will not take place till the spring. Others have another method of doing it, by charging warehouse-room on a plain piece of goods, such as a piece of satin, of a halfpenny a yard, or a penny a yard; and that on a piece of velvet, which measures from 30 yards to 32 yards, will be 1 *s.* 3 *d.* a piece. Another mode of reduction, which is the general mode of reducing men's wages, is to tell the man, when he takes home the finish of his work, "You will come in three or four days." When he calls in three or four days' time, they tell him to come in a fortnight or three weeks, and then they refuse to pay him, when he is too weak to resist.

2761. Could the disputes which you have mentioned be arranged by the Equitable Councils of Conciliation?—I have every reason to believe that they could; and I think it would be the greatest blessing that you could bestow upon the silk trade.

Jovis, 8° *die Maii*, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Booker Blakemore.
Sir Henry Halford.	Mr. Kinnaird.
Mr. Wise.	Mr. Leveson Gower.
Mr. Pollard Urquhart.	Viscount Goderich.
Lord John Manners.	Viscount Duncan.

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Sir *Henry Halford*, Bart., a Member of the Committee; Examined.

2762. *Chairman.*] YOU have paid considerable attention to the subject of our investigations; will you state to the Committee what are your sentiments generally upon it?—I am anxious to bring under the notice of the Committee in particular the condition of the framework-knitters, which is the class of manufacturers among whom I live, in connexion with the object of this Committee. I believe that they are a class with regard to whom some mode of conciliation might be exceedingly useful. There is no class of workmen, I believe, that have been more oppressed by poverty than they have. They have frequently made application to Parliament for relief by way of petition. In the year 1844, in consequence of

Sir *H. Halford*, Bart., M.P.
8 May 1856

Sir *H. Halford*, Bart., M.P.

8 May 1856.

their petition, a Commissioner was sent down to the district, who made very minute inquiries, and published a Report. Among the conclusions he came to, was one certainty, that their distress was very much connected with the over supply of labour; but he thought that over supply was itself mainly influenced by the system of carrying on the manufacture, which gave to the employers a positive interest in spreading the work over a number of people. The practice of the trade is to make stoppages from wages, on account of frame rent; consequently, the more frames the manufacturers employ, the more stoppages they are enabled to make. The frames are all the property of the manufacturers; and they are so very much from that reason that they make a profit by them. The Commissioner considered that the effect of that system was to maintain a superabundance of workmen, and that it was at the same time attended with a great deal of oppression. One of the conclusions of his report is, "That this excess of supply of labour is very powerfully influenced, and encouraged by the system of frame rents and the long-recognised custom of heavy deductions, on one pretext and another, from the wages of the workpeople, which make it the interest of the employers to spread any given amount of work among a larger number of workmen than is necessary to its performance; a practice that is further greatly facilitated by a superabundant amount of machinery which has been created, and brought into the trade by others, than the legitimate employers in it, as profitable investments of capital, induced by the customary exorbitant rent of the frames."

2763. Does your opinion coincide with that expressed in that report?—Yes, it does; I think that that conclusion is perfectly justified.

2764. In consequence of that report, have any steps been taken to prevent this iniquitous system of making the working payment for the frames?—Yes; there has been an attempt at legislation in consequence of that report. In the first instance, I should mention, there is an Act called the Ticket Act. The Commissioner's report speaks of tickets as very desirable, the trade being carried on through the intervention of middle-men; the workmen being entitled to the warehouse price, and the middle-men being paid by a special charge, which is called a "taking in." The workmen complained very much that they were ignorant of the price paid at the warehouse. In order to secure a knowledge of it, a ticket was desirable, and an Act of Parliament was passed, with the concurrence of the Government, to require that this ticket should be given, stating the price of work, that the middle-man should receive these tickets, and show them to the workman, in order that he might know exactly what he was entitled to. But that Act was entirely frustrated, in consequence of the construction that was put upon the interpretation clause; it was never, I think, acted upon, or only in a slight degree; consequently, that attempt at legislation failed.

2765. Could not the defect in the interpretation clause of that Act be altered?—It is a very difficult matter. The difficulty arose upon the question of defining exactly whether the middle-man was an agent or not. It was frustrated exactly upon the point where it was most wanted. It was decided upon a legal opinion that the ticket could not be enforced from the middle-man. It might be enforced in the case of those who worked direct to the warehouse, but not in the case of those who worked through the intervention of a middle-man; and that was exactly the point where it was wanted; because the workmen are ignorant of the real price, and they are subject to be much imposed upon in that matter. So that that legislation may be said to have failed entirely. Then with regard to the stoppages on account of frame rent, it was thought when the Commissioner was in the district, that they came within the prohibitions of the Truck Act: that it was in fact a payment of wages by the hire of tools, and otherwise than in the current coin of the realm. I believe that at his suggestion it was brought to trial; it was tried before Lord Denman; but somewhat unfortunately, I think, the parties to it agreed not to urge the exorbitant charges that were made; to try it upon the bare principle; and Lord Denman in his judgment said, that as there did not appear to be anything unreasonable, he did not consider that the case came within the provisions of that Act. Then there was an attempt at legislation upon the subject. A Bill was brought in with the object of bringing those deductions within the prohibitions of the Truck Act. That Bill was referred to a Select Committee in the first instance, to the Committee upon the Payment of Wages, which was moved for by Mr. Forster. That Committee was occupied with other matters, and did not inquire into the hosiery manufactures; and in the subsequent year a Special Committee was appointed to inquire into it, whose report I have here.

Sir *H. Halford*, Bart., M. P.

8 May 1856.

here. Now the evidence laid before that Committee from some of the manufacturers as well as workmen as to the exorbitancy of the charge for frame rent is of the strongest character.

2766. Do you think that if there had been an Equitable Council of Conciliation they would have been prevented?—My opinion is that it might be of great use; but the object of that Committee was rather to inquire into the advisability of any positive legislation upon the subject. They came to a report distinctly acknowledging the exorbitancy of the frame rent. I should say that report was not agreed to unanimously, but by a majority of the Committee.

2767. Viscount *Duncan.*] What was the majority?—I believe it was what may be called a bare majority.

2768. Mr. *B. Blakemore.*] Will you state the names of the Committee?—Mr. Packe, Mr. Wickham, Mr. Cobbett, Sir Henry Halford, Mr. Cheetham, Sir Joshua Walmsley, Mr. Ingham, Lord John Manners, Mr. Gardiner, Mr. Munday, and Mr. Bigges. Mr. Packe was the chairman during the greater number of the sittings, but afterwards he was obliged to leave London from ill health, and Mr. Ingham then was in the chair.

2769. *Chairman.*] Will you state what was the report with regard to legislation?—With regard to legislation the recommendation is very short. It is as follows: "Your Committee are further of opinion that the profit in question is an abuse, such as was intended by the Legislature to be guarded against in the Truck Act, 1 & 2 Will. 4, c. 37, which forbids the payment of wages otherwise than in the current coin of the realm. Your Committee therefore recommend a law analogous to the aforesaid Act, prohibiting stoppages from wages in the hosiery manufactures." Now, as the representative of the district, if no other Member of the Committee had undertaken it, I should certainly have thought myself bound to have attempted to introduce a Bill in pursuance of that recommendation. But in consequence of the appointment of this Committee, it has occurred to me that it is possible that the evil might be met by something in the nature of a Board of Conciliation applied to that particular trade. It will be seen from this report that the frame rent is a source of very large profit to the manufacturers; there is some difference of opinion among the witnesses as to the extent of that profit. From the evidence of some of them, it would appear to be in some cases as much as 100 or even 200 per cent. upon the value of the frames; but there were others who contended that it was considerably less. I think the lowest statement is 7½ per cent. profit. That you must observe is profit above and beyond the interest of the capital and the expenses. Now the question is, whether such profit as that made upon a tool is a legitimate profit. The Committee expressed the opinion that such a profit is made in no other manufacture.

2770. How did this system first originate?—There are some differences of opinion upon that subject; it has obtained for a considerable number of years. The system has grown up gradually, and perhaps it is difficult to say exactly how the thing first originated; but it is no doubt universally practised. The rent amounts generally (and it is pretty uniform in Leicestershire) to about 1 *s.* a week upon each frame; the value of the frames in many instances is exceedingly small. Without having recourse to evidence at all, I can speak from my own observation of what happens, as I live in a village where the trade is carried on. It is not more than about 10 days ago that I went into the house of one of the framework-knitters, an old and very respectable man, and found him at work upon a frame. He told me he had worked upon the frame 40 years, and he had paid 1 *s.* a week for it, and he thought the value of it might be about 1 *l.*; so that he had paid, if he did not pay for two weeks in the year at Easter and Whitsuntide, 50 *s.* a year for a thing, the value of which was not more than 1 *l.* The man being a respectable man, I should have been exceedingly glad if I could have relieved him from such a system as that, by purchasing the frame for him; but he said, "That would be of no use; I should get no employ if you did that."

2771. Does not it arise from the combination among the masters against the workmen?—I do not say that it is a combination among the masters; it is a source of profit to them; the master prefers the man who works upon his frame; in fact, I believe there is scarcely an instance in Leicestershire of a workman being the possessor of a frame.

2772. In fact, this system puts so much money into the masters' pocket, at the expense of the framework-knitter?—Yes; he will not employ a man who does not

Sir *H. Halford*, Bart., M.P.

8 May 1856.

not work upon his frame; it is an addition to his profit; this poor man was earning about 4*s.* a week, paying all the while 1*s.* for the use of this wretched frame.

2773. Mr. *B. Blakemore.*] Are 4*s.* a week the earnings of the men in this branch of trade?—He was an old man; I do not say that is the full amount which an able-bodied man would earn, but it is to the interest of the employer to employ slow and old hands, and children and women, because the profit derived from the frame is so much the greater in proportion to the work done

2774. Viscount *Duncan.*] Has not machinery been introduced into this trade to some extent of late years?—No doubt they persevere in this old imperfect mode of work on account of the profit arising out of it; I think the consumers have some ground of complaint there; the cheapest mode of manufacturing is not used, because the more expensive gives more profit to the employers.

2775. Has not machinery been more extensively employed of late years than it used to be?—I dare say it is increasing. There is evidence here of a machine capable of producing hose for 1*s.* 10*d.* per dozen pair, equal to those costing 3*s.* 6*d.* by the ordinary mode. The alteration I have made, has made some progress; but still it is not the general opinion of the witnesses who were examined last year that it will ever entirely supersede the old mode.

2776. Is it not at present superseding it to some extent?—It is, no doubt.

2777. Mr. *B. Blakemore.*] Do you think the competition of machinery will ultimately break down this grinding system of framework-knitting?—No, I do not think it will, because there is more profit made by the manufacturer under the old system. Generally speaking, where machinery comes into operation, it is attended with more profit than the old system; but that is not the case here.

2778. Will not the knitting by machinery be so much more economical that the masters who employ machinery will be able to undersell the masters who employ framework-knitters?—Yes; but in the first place, it is not applicable to all descriptions of goods. There is a certain description of goods which will be better made by hand; and there is a great quantity of this old imperfect machinery which continues to be used by the manufacturers for their own profit.

2779. You do not think that competition will ultimately break down this system?—No, I do not think it will. It is the opinion of many of the witnesses examined before the Committee last year that it will not.

2780. Is it the general opinion that the framework system enables masters to give employment to a class of men, women, and children to whom they would not otherwise be able to give employment?—I do not think there is any advantage to the workmen in this, because they would be much more advantageously employed if they worked at their own frames. I do not think it is any advantage that employment should be given them upon these terms, subject to an undue proportion of profit and to a diminution of their earnings. I believe it would be a very good state of things if many of these people were employed at narrow frames, provided the people possessed those frames themselves; but I cannot conceive that there is any benefit to them in being employed upon those frames subject to this system.

2781. Do you think that the combination of the masters, for the continuing of the system of the renting of frames, is too strong to be broken down by competition?—Yes, I think it is.

2782. You think that can only be done by the Legislature?—I think, as I said before, that a Board of Conciliation might exercise a very good influence.

2783. Viscount *Duncan.*] Would you render the decision of that Board compulsory?—It would operate in this way, a man would go to the Board in order to get the fair wages. As the matter stands now a set-off is immediately pleaded, which is allowed. The employer will say, "Yes, it is true I agreed to pay a certain amount of wages, but then the man owes me so much for the frame." He pleads a set-off, and the man has no redress. Now I conceive that if there were a Board of this kind, it would be their duty to enforce the payment of the wages, and that if there was any set-off, just as it is with regard to the Truck Act, the employers should have to go to the ordinary tribunals for adjudication upon it.

2784. Mr. *B. Blakemore.*] Taking it for granted that the Board of Conciliation would say that such a charge was monstrous and exorbitant for an old machine,

machine, which the workman is compelled to use, do you think that such a decision would break down the system, and would drive the frames out of the trade, or give rise to a more wholesome, fair, and reasonable system between masters and men?—I am very much of the opinion that it would tend to that result.

Sir *H. Halford*, Bart., M.P.

8 May 1856.

2785. Do you think that it would not require the strong arm of the law to break down?—My notion is, that a Court of Conciliation might be invested with the power of enforcing the payment of wages, and that to that extent it should be armed with a legal power. If a man complains that his wages are not paid, the Board should have the power of enforcing their payment.

2786. Could not that be done now?—No, it cannot in this instance; under our present Truck Act, if a man pleads a set-off on account of goods supplied to the workmen, the law does not allow it, but it does allow a set-off for frame-rent, (the notion was, and certainly, from the plain construction of the terms of the Truck Act, I should have thought that it was fully justified) that a set-off of that sort could not be pleaded; but, in consequence of Lord Denman's judgment, it can; therefore if a man says, "My wages are due;" and the master says, "Yes, but there is framework rent due also," it falls to the ground.

2787. Viscount *Duncan.*] Is it the fact that many of the framework-knitters possess frames of their own?—No, hardly any.

2788. Mr. *B. Blakemore.*] Do you think that these tribunals would be especially applicable to your district?—I do.

2789. Do you think that there would be any danger in extending them generally to all the trades in the kingdom?—I do not see any danger in it.

2790. Take, for instance, this case: the old way of sawing was, by a pit-man and a top-sawyer; but a circular saw does the work much more exactly, and much more economically; supposing a large ship-builder or carpenter, or cabinetmaker used a circular saw, could a Court of Arbitration interfere and say that the people who are employed at the saw-pits shall still receive the same wages, notwithstanding the operation of the circular saw?—I had rather not give an opinion on a point of that sort.

2791. That is a practical case; do you think that a reference should be open to one of those tribunals, as to whether the master should pay the same wages for the circular saw as he paid for the old system of sawing, or whether the machinery should so compete with manual labour as to drive it out of the market?—My notion is, that it would be quite beyond the province of these tribunals to regulate these questions; but I think that this court might have a very good effect with regard to the frame-work knitters' trade, because it appears to me that positive laws, as between masters and workmen, are evaded now. With regard to the Arbitration Act, it does not appear to be in force at all. Again, with regard to the Truck Act, I believe it has been of very useful operation in many instances, but still it is subject to be evaded; and with regard to the Ticket Act, it is altogether evaded; I think it would be in the power of a Court of Conciliation to secure regulations of that sort much better than could be done by special laws.

2792. *Chairman.*] Your opinion is, that such a Board would put aside all these Acts, which are, in fact, a dead-letter?—They are a dead-letter in fact; the necessity for them is felt, but, practically speaking, they have no operation.

2793. The Legislature did not think of Equitable Courts of Conciliation, but made these paltry Acts, one after the other, which have been of no use?—Yes; I think it would dispense with a great deal of that legislation with respect to particular trades, as between masters and workmen, and would have a good effect in that way, especially in the hosiery trade, because there the Acts which have been passed in favour of the workmen are nugatory, and the workmen cannot apply to the law without risk of offence, when there is a disposition on the part of many of the masters to evade the law; but if he had a Court of Conciliation to appeal to he might procure redress with much less risk of offence, and with much more certainty.

2794. Mr. *P. Urquhart.*] You said, just now, that the men who worked at these frames were in some instances paid 4*s.* a week, out of which 1*s.* a week was stopped for the use of the frame; do not you think it extremely probable that if they worked at their own frames they would be only paid 3*s.* per week?—Looking at the broad subject, I think that, at any rate, they would escape from the necessity of contributing to the profit of the employer, because the 1*s.* per week is so much taken out of their wages.

Sir *H. Halford*, Bart., M.P.

8 May 1856.

2795. If it were not stopped in this way, is it not probable that the manufacturer would give 1*s.* a week less?—I should think not; I should think that, at any rate, the workman would be a gainer to a certain extent, if not to the whole extent of the 1*s.*

2796. You said just now that the masters often employed old men, who worked slowly, in order that they might get more rent for the frames; have not the workers in hosiery often to make up orders in a hurry, so that they are obliged to employ men who can work quickly?—It may be so sometimes, but, generally speaking, the condition of the trade is one of over-production.

2797. Do not you think that a great many of the evils complained of in the trade arise from the supply being beyond the demand?—Yes; but then I agree with the conclusion of the Commissioner, as well as with the conclusion of the Committee, that the supply itself is influenced by the system at present in existence of carrying on the manufacture; that is to say, it being the interest of the employer to spread the whole amount of work over a greater number than is necessary for the performance of it. There is a perpetual over-supply kept up over us in that way.

2798. Are the workmen able to do anything else at the same time?—They might; but there is a perpetual rent, because the rent, in very many instances, is demanded when there is no work done; that is a great hardship, which is very much complained of. It is established that, in many instances, though not universally, an employer will give a quantity of materials sufficient to employ the men for three days in the week, and he would charge a week's rent.

2799. Do not you think that is an abuse which a Board of Conciliation would interfere with, with great advantage?—Yes, I think so.

2800. Are the workmen paid generally by the time, or by the piece?—They are paid by the amount of work at so much a dozen.

2801. Viscount *Duncan.*] Will you have the goodness to tell me in what year the Committee upon the Framework-knitters' Association sat?—In last year.

2802. Is that the Committee to whose Report you have alluded?—Yes. The Commissioners made their Report before. The Report of the Committee was printed last year.

2803. By what majority in the Committee was the Report carried?—All the proceedings are in the Minutes. There were a good many divisions; it was not an unanimous Committee, certainly; there were other Reports proposed.

2804. It appears to have been carried by a majority of one?—Yes.

2805. Have you turned your attention at all to the constitution of these Boards of Conciliation?—Not particularly. I have read some of the French works upon the subject.

2806. Have you any suggestions which you wish to make to the Committee on the subject of the constitution of these Boards of Conciliation?—I think the object should be, that the workmen should be sufficiently represented; that there should be a fair proportion of masters and of workmen upon the Board. The great object, as I think, should be that the feelings and opinions of the workmen should be represented as well as those of the masters, which is not the case now.

2807. Would you propose that the decisions of these Councils of Conciliation should be compulsory?—I would rather not enter upon that part of the question.

2808. *Chairman.*] Will you continue the statement which you have to make to the Committee?—I do not know that I have anything more to say, except that I believe that the effect of such a council as I have referred to in this particular trade might be exceedingly salutary, and I think that result might be aided by putting workmen in some instances in possession of frames themselves, and that it would stop a great grievance, and great oppression.

2809. Which is very much felt by the operatives?—Which is very much felt by the operatives; the fact being that they are a very distressed and poor class of people in that county. They are worse off in Leicestershire, I believe, judging from the evidence taken before the Committee, than they are in Nottinghamshire or Derbyshire; but that they are badly off in Leicestershire I can positively state.

2810. Must not the competition of machinery with their work have an effect upon the position of the framework-knitters?—They cannot resist the legitimate effect of the competition of machinery; but, as I said before, I think that these old and imperfect machines are kept in use where they ought to be disused to some

some extent, and they are used at a great and most unfair disadvantage to the workmen.

Sir *H. Halford*, Bart., M. P.

8 May 1856.

2811. Lord *J. Manners.*] Do I understand you on the whole to say that you have taken for years past a great interest in the welfare of the inhabitants of Leicestershire, and that you have yourself tried legislative remedies for the evils of which they complain, and that you are now prepared to propose fresh legislative remedies; but that you think that some tribunal of conciliation would on the whole be a better means of procuring the remedy than any measure of any other sort?—I think it would be more likely to be effectual. Having observed the manner in which positive legislation upon questions of this sort is evaded, I think it is very desirable that something of this sort should be tried, for the workmen, in their present condition are entirely powerless; they cannot help themselves; as to anything in the nature of a strike, it is out of the question; because, as a witness said the other day, strikes are only effectual when the trade is good, and the workmen are prosperous; but when they are in such a reduced condition as they are in Leicestershire, it seems to me that it is impossible that they can help themselves.

2812. Mr. *B. Blakemore.*] Is it your opinion that the decisions of these courts should be compulsory?—I should anticipate great benefit from the conciliatory effect of these courts. I observe that in France they succeed for the most part in conciliation, and I think that a good effect would be produced in that way. I do not mean to say that there might not be occasions upon which they should be empowered to proceed to a positive judgment.

2813. Mr. *Wise.*] You have taken great interest in this question; may I ask you whether, within your knowledge, any societies have ever been formed in your district for the purpose of upsetting this system by means of a subscription, by which the money should be advanced to the operatives to purchase frames, which might be paid back, for instance, at the rate of 1*s.* a week for a certain number of weeks, so that in a few weeks, or at all events in a year, he might have a frame of his own?—No, I am not aware that any distinct attempts of that sort have been made; it has been talked of, but I do not think that any practical attempt has been made.

2814. Would it not be a practicable way of getting rid of one of the evils of this system?—No, I do not think so.

2815. Is that because you think that the manufacturers would not employ the men who had machines of their own?—I think the manufacturers would not employ them, except where they could let the frames to them; that is to say, a great many of them would not do so; I do not mean to speak disparagingly of employers in general, but an ill effect is produced by the unworthy employers; those who are better-principled cannot compete with the others; the unworthy employer has an advantage in competition. That is what is complained of in the evidence taken before the Committee last year; that is the evidence of Mr. Mitchell, a very considerable manufacturer, but he adopts the evil practices because he is obliged to do it; he cannot stand against the competition if he does not.

2816. Are you of opinion that, as the "Conseil de Prud'hommes" in France have authority to interfere with the question of the quality and quantity of the work, and the refusal to pay wages, and so forth, such a system might be established and adopted in this country?—I am not prepared to say that it would be possible to follow exactly the plan of the "Conseil de Prud'hommes," but I cannot help thinking that some sort of Court of Conciliation might be established in this country with advantage.

Viscount *Goderich*, a Member of the Committee; Examined.

2817. *Chairman.*] HAVE you paid any attention to the French system of the "Conseils de Prud'hommes"?—In the year 1852 I had a correspondence with Monsieur Arles Dufour, a large and well-known silk merchant of Lyons, who has since been secretary to the Universal Exhibition at Paris, and I shall be able to lay before the Committee documents which I received from him (both his letters and those of other persons which he forwarded to me) upon the system of the "Conseils de Prud'hommes," in France, and its working.

Viscount *Goderich*, M. P.

2818. Will you have the kindness to state to the Committee the result of his statement?—If the Committee will allow me to read to them portions of the correspondence of Monsieur Dufour, I think it would probably be more useful to

Viscount *Goderich*, M. P.

8 May 1856.

the Committee than my expressing any opinions of my own upon the subject. In answer to the first letter which I wrote to Monsieur Dufour, on the 15th of January 1852, he replied in this manner: "Lyons, 20th January 1852.—Sir; I hasten to answer the letter which you have done me the honour to write to me on the 15th instant. You are quite right in thinking that my sympathies for the working classes do not stop at our frontiers; it is with great anxiety, and with profound sorrow, that I have followed since its origin the course of the strike of your working engineers, who are in general, in respect of their intelligence, the *élite* of the workmen of Great Britain. * * * * * *

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The 'Conseil de Prud'hommes,' established in 1806, is one of the most perfect and most useful institutions of the Empire; at Lyons, especially, they have rendered, and render every day immense services; their action has powerfully contributed to the maintenance of the good relations which exist between our workmen and our manufacturers, in spite of the sanguinary conflicts and the political hatreds which have so often afflicted our country, and especially our city. When one considers the simple mechanism and the beneficial action of those tribunals, it is difficult to comprehend why they have not been adopted in all the manufacturing towns of Europe long ago; they are especially necessary, indeed I may say indispensable, in places in which branches of industry exist which are not carried on in great factories; in such places, for instance, as Spitalfields and Coventry. To-morrow I shall send you statistical details with regard to our tribunal of 'Prud'hommes,' which will prove to you its utility better than all that I could say; you will see that it is even more useful to working men in their relations to each other, and with their apprentices, than in their relations with the manufacturers, who, generally speaking, make it a point of honour never to appear before this tribunal, preferring to give in rather than do so, even in cases where they are sure to gain their cause. For the workman, as for the manufacturer, it is a bad thing that it should be known that he often goes before the 'Prud'hommes.' These conseils, which are true tribunals of peace, conciliate infinitely more causes than they judge. But they have only preserved this pacific and conciliatory character by the pitiless exclusion of lawyers, the parties being obliged themselves to lay before the court their complaint and their defence. What a benefit it would be for humanity and for all professions if Governments were everywhere to establish these 'Conseils de Prud'hommes;' but they would so much reduce the number of actions, that lawyers, who are so powerful in every country, would be sure to oppose them." I then received a second letter, dated the following day, from Monsieur Dufour, enclosing the documents to which he had referred. It is dated "Lyons, 21 January 1852;" and is as follows: "Sir; I have the honour, in accordance with my letter of yesterday, to send you the documents which will enable you to appreciate, better than any book, the organization of our 'Conseil de Prud'hommes,' and the practical services which it renders. I recommend especially to your attention the Table of Operations of the conseil, which will enable you to understand the services which it renders better than all the reasonings in the world, especially if you recollect that the simple fact that a 'Conseil de Prud'hommes' exists in a town, makes masters, workmen, foremen, and the parents of apprentices restrain themselves, and respect themselves more, and make more easily mutual concessions to each other, which they would not make but under the influence of the fear or the hope which the conseil causes. The chair of the conseil is of right occupied by a manufacturer; but far from this being a disadvantage to the workmen, it is in their favour, as his position of manufacturer always leads the president to incline to the side of the workman when he is in doubt. The functions of the president require a devotion which is above all praise; for, although gratuitous, they take up the whole of his time and attention. I recommend you to pay attention to the costs of proceedings before the 'Prud'hommes.' If England wishes to establish tribunals of peace, the future originator of those institutions ought to be sent to this place. A week would be sufficient for him to study and appreciate our conseils." That is Monsieur Dufour's letter. He also forwarded to me the following documents. The first of them is a letter from the president of the "Conseil de Prud'hommes," at Lyons, which I think is, if possible, even more important than Monsieur Dufour's own evidence. It is dated "Lyons, 21 January 1852," and is as follows: "Monsieur Arles Dufour; I have the honour to enclose to you the documents which you asked me to send

you

Viscount *Goderich*, M. P.

8 May 1856.

you relative to the Lyons 'Conseil de Prud'hommes.' I have thought it right to add to them the printed papers and different documents which would give an idea of the proceedings and the labours of the conseil. The 'Conseil de Prud'-hommes' of the city of Lyons, such as it was instituted by the original decree of 1806, is composed as follows: Section of Silk, nine manufacturers, eight foremen or workmen; Gilding, three manufacturers, two foremen or workmen; Lace, two manufacturers, two foremen or workmen; Hat-making, three manufacturers, two foremen or workmen. There is a secretary-in-chief, and a second secretary, and an usher attached to the conseil. The workmen 'Prud'hommes' alone receive pay from the commune; their salary at Lyons is 1,000 francs a year for those of the sections of Silk, which are the most occupied, and 500 francs for the other sections. The jurisdiction of the 'Conseil de Prud'hommes' extends over all disputes which can arise between manufacturers and workmen, masters and apprentices, and generally between all the professions which belong to the branches of industry represented in the conseil. The conseil decides finally up to the sum of 100 francs; above that sum there is an appeal to the Tribunal of Commerce, the Court of Appeal and of Cassation. The conseil holds three public sittings in the week at six in the evening, on Mondays, Wednesdays, and Fridays; the two sittings on Monday and Friday are sittings of conciliation held by one manufacturer 'Prud'homme,' as president, and two foremen or workmen; that of Wednesday, consisting of one-third at least of the members of the conseil, alone gives judgment. The president holds sittings three times a week at the office, in which he gives consultations, regulates the proceedings, and advises as to the requirements of the trade, and his advice often prevents an action. The conseil receives at its office the deposit of patterns of new inventions, of which the inventor intends to reserve the property to himself. The tables annexed to this letter will give you the state of the operations of the conseil in the last six years." The first document accompanying this letter of Monsieur Brisson is an account of the proceedings of the conseil in the years 1846, 1847, 1848, 1849, 1850 and 1851.

2819. Will you state the result of it?—The number of causes tried in 1846 were 5,007; in 1847, 4,677; in 1848, 2,267; in 1849, 2,245; in 1850, 2,880; and in 1851, 3,078. As to the details of these causes, perhaps, we might take one year as an instance. In 1846, the year in which there were 5,007 causes tried, 2,004 of them were between masters and foremen, or middle-men; 1,301 were between middle-men and workmen; 1,252 were between masters and apprentices; 450 were between masters and "divideuses;" 4,884 related to the silk trade; 89 to lace; 20 to gilding, and 14 to hat-making. In all those cases the number of judgments out of 5,007 were only 96; the number conciliated were 4,911; the number of factories or shops put under surveillance (of which we shall have something to say presently) were 180; the number of reports required from surgeons with regard to apprentices or workmen were 90; then there were 365 patterns deposited at the office of the conseil, and there were 621 causes which are described by arbitration.

2820. Will you hand that paper in?—(*The same was handed in.*) *Vide* Appendix.

2821. Will you proceed with your statement?—I have here all the documents which were forwarded by Monsieur Brisson, the president of the conseil at Lyons. The first consists of the form in which persons are invited to appear before the conseil: it is excessively civil. It is as follows: "Monsieur —— is invited to appear in person before the 'Conseil de Prud'hommes,' sitting at Lyons, in the Hall of Henry the Fourth, in the Hôtel de Ville, for the purpose of conciliating himself with Monsieur —— upon the matters which divide them." The second paper is a form by which a person called an "expert" is summoned to attend to assist the conseil with his advice upon a matter of calculation, or any other matter upon which the conseil do not feel competent themselves to decide. The next document which I find here is a letter from the "Conseil de Prud'hommes," to the mayor of a distant commune, requesting him to see a master and an apprentice who have had a dispute, and to endeavour to bring them together. The next informs the person to whom it is addressed, that by the decision of the conseil, held at a given date, he is condemned to pay a certain sum, and that the conseil further orders that this sum shall be inscribed upon the livréts of the workman, which he is obliged by law to keep. The next is a document informing a person of what will be the consequences if he does not obey the decision of the conseil.

Viscount *Goderich*, M. P.

8 May 1856.

Vide Appendix.

2822. Will you hand those documents in?—(*The same were handed in*).

2823. Have you anything else to say to the Committee?—I have a paper relating to the expense of these causes; a summons costs 30 centimes, or three-pence; for every document which is delivered by the secretary, and which contains 20 lines in a page, and 10 syllables in a line, 40 centimes, or four-pence, must be paid; for a copy of the "Procès Verbal," which states that the parties have not been able to be reconciled, 80 centimes, or eight-pence; for a copy of the "Procès Verbal" of the deposit of a design, or of a manufacturer's mark, 3 francs; to the usher of the conseil for each summons, 1 franc 25 centimes; for a stamp, 1 franc 5 centimes; for registration, 55 centimes, making a total of 2 francs 85 centimes, as the sum paid to the usher; for serving notice of a judgment, 1 franc 75 centimes; the judgments are registered gratis, when the sum adjudged does not exceed 25 francs. In general the expenses are very small; and the Conseil of Lyons, which adjudged or reconciled 5,007 cases in 1846, has obtained this result without a greater expense than 500 francs. Monsieur Dufour adds: "The expenses of the judgment of 96 causes, and of the conciliation of 4,911, is not more than 20 *l.* sterling. This will not do for your lawyers." The next document which I have here is a letter addressed to one of the conseil, who is charged to go to a shop or factory for the purpose of examining the pieces of stuff or articles there, and stating the nature and the state of the material, and fixing the measure of the day's wages. The meaning of that I take to be the fixing the amount and value of the work done in the day in accordance with a previous contract. The next is a letter addressed to a member of the conseil, requiring him to exercise surveillance over a disobedient apprentice. The next is a letter apparently for the same purpose. The next is a letter requiring a physician to examine into the state of health of an apprentice, of whom his master complains that he is unable to work. The next is a copy of a contract of apprenticeship. There is one important matter connected with that, which is this, that the contract costs 3 francs and 80 centimes; that is to say, there is paid to the secretary 2 francs, for two stamps 70 centimes, and for registration 1 franc 10 centimes. The last of these documents is a letter informing the treasurer of the city that the required sum has been paid on the deposit of a design. This sum is fixed by the conseil at Lyons at 10 centimes for every pattern, in order to secure a right of property for a year; 20 centimes for two years, 25 centimes for three years, 30 centimes for four years, and so on. I have also a report of the labours of the "Conseil de Prud'hommes" at Lyons for the years 1852 and 1853. It is stated in it, that "From the 1st of January to the 31st of December 1852, the conseil has held 153 public sittings, in which 3,728 causes have been called on. From the 1st of January to the 31st of December 1853, the conseil has held 153 public sittings, in which there have been called on 4,813 cases. They are thus divided: between masters and foremen in 1852, 1,502; in 1853, 4,416; between foremen and workmen in 1852, 1,023; in 1853, 1,530; between foremen and apprentices in 1852, 931; in 1853, 1,302; between foremen and divideuses in 1852, 2,932; and in 1853, 565," making the totals given above, viz., "3,728, 4,813. The 'Bureau Particulier'" (which holds the sittings for conciliation on the two days of the week which have been referred to) "has conciliated 2,580 causes in 1852, and 2,961 in 1853; 448 causes in 1852, and 855 in 1853, were withdrawn before the 'Bureau Particulier' had given its decision. In 1852, 700 causes, and in 1853, 997 causes were carried before the 'Bureau Général.' Out of the number of 700 causes in 1852, 645 were withdrawn before judgment; 25 were judged finally; and 30 were judged subject to appeal. So that there were only 55 judgments registered. In 1853, out of 997 causes, 920 were withdrawn before judgment; 51 were decided finally, and 26 subject to appeal; consequently there have only been 77 judgments registered" in that year. "Those judgments are thus divided: Between masters and masters," (they appear to deal with those disputes also) "three in 1852, and one in 1853. Between masters and foremen in 1852, three; and in 1853, three. Between foremen and divideuses in 1852, five; and in 1853, five. Between foremen and workmen in 1852, seven; and in 1853, five. Between foremen and apprentices in 1852, 37; and in 1853, 63"; making a total "in 1852, of 55; and in 1853, of 77. The disputes reconciled by the method of arbitration in the year 1852, were 394; and in 1853, 645. 217 'surveillances d'atélier' in 1852, and 320 in 1853, have been exercised by the 'Prud'-hommes;' 127 contracts of apprenticeship in 1852, and 250 in 1853, have been annulled on account either of insorbordination or incapacity on the part of the apprentices,

apprentices, or on account of want of care on the part of the masters; 230 patterns have been deposited at the office of the 'Conseil de Prud'hommes' in 1852, and 232 in 1853. The conseil in 1852 was called upon to pronounce upon three cases of piracy of designs: no case of this kind occurred in 1853. In his private audiences, either at the office or at his own house, the president of the conseil has given advice in more than 2,500 cases, which generally has led to the termination of the difficulties, without their being brought before the conseil." The next paragraph of this report, which I think worth the attention of the Committee, is to the following effect: "In examining the comparative tables of the years 1852 and 1853, you will remark, like myself," (this is addressed, of course, to the conseil) "with great satisfaction the considerable diminution that has taken place in the disputes between masters and workmen. This reduction is an evident mark of the good harmony which exists in their mutual transactions. The course followed with so much wisdom by the conseil in the various questions which have been submitted to it, has powerfully contributed to this happy result, and it is easy to recognise the influence of your conciliatory spirit in comparing the number of judgments, which have been reduced to 132 for the two years, in which 8,541 causes have been called on." The next point (which I think is very much to our purpose) is that "During the year 1852, two commencements of strikes took place, which, however, had no serious consequences; that of the velvet-makers, and that of the lace-makers. Thanks to the intervention of the conseil, they were promptly terminated, and mutual and reciprocal concessions put an end to a state of things which was injurious to the interest of all. The 'ouvriers apprêteurs d'étoffes de soie,' relying upon the dispositions of the decree of the 9th of September 1848, have addressed to the public authority" (which I suppose means to the Municipal Council) "a petition, which has been transmitted to your president. The new regulation adopted in accordance with his orders has fulfilled all the requirements of the case, and while reserving to the foremen the possibility of satisfying the requirements of others, has regulated the hours of the labour of the workmen within the limits fixed by the law." These, I think, are all the points of particular importance in this Report.

2824. Will you hand those documents in to the Committee?—(*The same were handed in.*) *Vide* Appendix.

2825. Have you anything further to state to the Committee?—I have also to state to the Committee the opinion of Monsieur Michel Chevalier, the well-known political economist, who has given his opinion with regard to the "Conseils de Prud'hommes," in various works which he has published. The first extract to which I would direct the attention of the Committee is taken from his "Cours d'Economie Politique," volume 2, pages 488 and 497: "This institution of 'Conseils de Prud'hommes,' one of the most excellent of those which are an honour to our age, belongs to the small number of those in favour of which public opinion is unanimous." "At this moment, after various additions to their original constitution, these conseils are at work in France on a large scale, and one is bound distinctly to say, with general satisfaction. The number of cases upon which they decide may be estimated at from 15,000 to 18,000 a year."

2826. Mr. *B. Blakemore.*] What is the date of the publication of that work?—1844. The next extract is, I think, remarkable on account of its date. It is dated 1848, and it is extracted from a work of Monsieur Chevalier's, entitled "Letters sur l'Organisation du Travail." This is written in opposition to the views of Monsieur Louis Blanc. At page 255-6, he says, "'Conseil de Prud'hommes' should be multiplied more rapidly than they have been of late years. How many efforts were necessary before one could be obtained in Paris?" "Now they are established there, and give general satisfaction by their working. Each centre of manufacture ought to have its 'Conseil de Prud'hommes.' In a few minutes, and without expense, disputes between masters and workmen, or among the workmen themselves, relating to their daily work, are there settled. The power of reconciliation which these courts possess is really wonderful." "The time is come when the sphere of the powers of these valuable bodies ought to be enlarged." And in regard to the last point, I have one more extract from the book which I quoted before, the "Cours d'Economie Politique," volume 2, page 495: "Those who have written of late years on 'Conseils de Prud'hommes' have expressed their desire that they should be invested with a new power, viz., that of seeing to the execution of the law which regulates the labour of children." "It would be difficult

Viscount *Goderich*, M. P.

8 May 1856.

difficult to find so efficacious a mode of inspection. The 'Prud'hommes' seem also to be the natural persons to whom the care of the healthiness of workshops, generally too much neglected, ought to be entrusted. Those who are anxious for the improvement of the condition of the people propose to confide to them this charge, from a spontaneous homage to the devotion and the good spirit with which the 'Prud'hommes' accomplish their difficult task."

2827. Mr. *B. Blakemore.*] Have you had any personal experience in the operation of these courts?—None whatever. I have here a sketch of the history of the "Conseils de Prud'hommes," drawn up by me some time ago, which, with the permission of the Committee, I will read; it is as follows: "The first 'Conseil de Prud'hommes' was established in Lyons, by the law of the 18th March 1806, in which also power was given to the Government to establish others in other towns. By this law the conseil was composed of five manufacturers and four overlookers. The next important decree on the subject is that of the 11th July 1809, by which the conseils were to be composed on the same principle as the Lyons Conseil, but by which it was determined that the members should be elected by the whole body of manufacturers and overlookers in the town. The next decree is that of the 3d of August 1810, which somewhat extends the powers of the conseils; by these, and some less important decrees, the purposes for which the 'Conseils de Prud'hommes' were established were the following:—1. The conciliation of all minor differences between manufacturers, foremen, workmen, journeymen, and apprentices. 2. The judicial decision, final as to all values up to 4*l.*, and with appeal for any higher sums, of all differences which cannot be put an end to by conciliation. 3. The ascertainment of offences against the laws and regulations which affect industry. 4. The preservation (by deposit and registration, for instance), of the right of property in designs. 5. The settlement of accounts between traders and foremen. 6. The preservation of order in workshops, with power to imprison for three days at most. 7. The collection of certain statistical details with respect to industry. From this time the number of these conseils were gradually increased, and their powers enlarged; but in 1848 their composition and organization were greatly changed, and a fresh law of 1853 has since further altered them." The law of 1806 is this: "The 'Conseils de Prud'hommes' is established for the purpose of putting an end, by conciliatory means, to the minor differences which arise daily either between manufacturers and workmen, or between overlookers and those who work under them, or their apprentices. It is also authorised to decide judicially to the amount of 60 francs, without forms, or legal expenses, or appeal, those disputes which it may have been unable to terminate by conciliatory means. The conseil was also charged with the maintenance of the rights of inventors." Then the decree of the 11th July 1809 says, "The Conseil" shall take cognizance of "all causes which it shall have been found impossible to arrange amicably, whatever may be the amount of the sum in dispute." Then by the decree of 1810, "The 'Conseils de Prud'hommes' are authorised to adjudicate on all disputes which may arise between manufacturers, middle-men, overlookers, workmen, and apprentices, whatever may be the amount of the sum in dispute; but of course that does not mean that they are to" decide finally. "The judgments shall be final, and without appeal, if the whole sum to be paid by the condemned party does not exceed 100 francs; above that sum, they shall be subject to appeal." The next law upon the subject is the Decree of the 27th of May 1848, which enacts that, "The number of workmen (of the town) shall be called together separately by the préfet, to proceed to elect in their respective classes a number of candidates equal to three times the number of members to be chosen. Eight days afterwards the masters shall elect from the workmen candidates, the workmen members, and the workmen shall elect" from the master candidates, "the same number of master members. All the masters, middle-men, foremen, workmen, and journeymen of 21 years of age, who have resided for six months at least within the jurisdiction of the "Conseil de Prud'hommes," are electors. The same persons, aged 25 years, and having one year at least of residence, are eligible; foreigners, bankrupts, and every person who has been condemned for dishonesty or crime, cannot be either electors or elected. The Conseil is presided over alternately three months by three months, by a master, and by a workman; the master presidents being chosen by the workmen members, the workmen presidents by the master members." Next comes the law of 1853; the conseils now consist of an equal number of masters

masters and of workmen, elected each by and from his own class, and presided over by a president and vice-president, nominated by the Government. The electors are,—1. All manufacturers of 25 years of age who have been patentés for five years, three of which must have been passed within the district for which they are elected: 2. All workmen of 25 years of age, who have exercised their trade for five years, and resided three in the district. All electors of 30 years old who can read and write are eligible." I could lay before the Committee copies of all those decrees and laws up to the one of 1853. I do not possess the one of 1853, but I have the Decrees of 1806, 1809 and 1810, and the Decree that was passed during 1848.

Viscount *Goderich*, M. P.

8 May 1856.

2828. Sir *H. Halford.*] Was not that upon the occasion of the application of the Conseils to Paris?—The alteration in 1848 was made in consequence of the Revolution.

2829. Was not the chief thing that was altered in 1853 the appointment of the president and vice-president by the Government?—It was.

2830. Lord *J. Manners.*] Are you acquainted with the Combination Law of France?—No, I am not; I have no information upon that subject at all.

Jovis, 22° die Maii, 1856.

MEMBERS PRESENT.

Mr. Mackinnon.	Mr. Pollard Urqhuart.
Sir Henry Halford.	Viscount Duncan.
Mr. Wise.	Mr. Leveson Gower.
Mr. Gordon.	Viscount Goderich.
Mr. Booker Blakemore.	Mr. Apsley Pellatt.
Mr. Kinnaird.	

WILLIAM ALEXANDER MACKINNON, Esq., IN THE CHAIR.

Mr. *John Chambers Proudfoot*, called in; and Examined.

2831. *Chairman.*] WHAT situation do you hold?—I am a Joiner by profession.

Mr. *J. C. Proudfoot.*

22 May 1856.

2832. Are you in any capacity in connexion with any trades' union?—I have been secretary for one, but I am not at present.

2833. Who has paid your expenses in coming up here?—The trades I represent have contributed so much each for the payment of my expenses.

2834. Which trades?—Joiners, masons, wood-sawyers, tinsmiths, coopers, cotton-spinners, bakers, confectioners, and labourers; nine trades.

2835. Will you state to the Committee the general purport of what you wish to mention on their behalf?—The great majority of the trades in Glasgow, and the nine which I represent in particular, are very anxious that some Courts of Conciliation and Arbitration should be established for the settlement of disputes between employers and employed. They conceive that strikes have led to incalculable loss both to employers and employed; and that a strike is not only a loss to the particular parties immediately concerned, but that it is a great loss of wealth to the nation.

2836. In what way is it a loss to the nation?—Because, as they conceive, there is a great amount of money prevented from circulating during a strike, and positively when money is circulated, every individual through whom it circulates receives some benefit from it; its non-circulation must therefore be a loss. The labour and products of a nation are *primâ facie* the sources of its wealth; and when any part of that labour or produce ceases to exist or be produced, a loss of wealth is the consequence.

Mr. *J. C. Proudfoot.*

22 May 1856.

2837. Do you imagine that this loss would be prevented by the Councils which you propose?—I conceive it would. I conceive that the very fact of these Councils being established would afford an opportunity to the employers and employed to meet together, and state their opinions upon any matter that might be in dispute between them; and it is a fact, as we often see, that when parties come together for the mutual purpose of explaining one another's views upon a particular point before coming to any rupture upon the matter, they are pretty certain to settle it, and to agree upon the question in dispute.

2838. Have the trades in Glasgow incurred great losses by their differences of opinion?—I believe that they have incurred very great losses indeed from that cause. I might mention two or three cases in which that has happened. During the time that I was secretary to the Joiners' Association there were two strikes; one of them did not cost them very much, but then, there were 1,200 men idle for the space of 10 days; skilled workmen, and parties dependent upon them for labour; the loss by that, at all events, at the very lowest calculation, would average 1 *l.* per week a man, which would be nearly 2,400 *l.* in wages alone; the cost to the association to pay their members the amount of aliment which was their due, with one expense and another incurred by the strike, was 200 *l.* This strike took place in March 1854, and was caused by the employers refusing to allow the workmen to reduce their hours of labour from 60 to 57 hours per week. Then, secondly, there was a strike in the spring of 1855; I might state the particular circumstances under which this strike took place. In November preceding, the employers and employed had met together in conference for the purpose of making arrangements about the winter hours. It is usual in Glasgow, when the winter months come on, to reduce the hours of work from ten to nine hours a-day, and the same wages per hour were agreed to be paid during the winter as had been paid during the preceding summer months; the agreement was, that these winter hours were to terminate on the 1st of February, and the summer hours were then to be resumed; the agreement was merely verbal, but I think I took a note of it at the time. There was nothing said, of course, about the next summer's wages; but seeing that the former summer's wages had prevailed during the winter, it was an understood thing that, when the busy season arrived, the same wages would prevail as had prevailed before. A number of the employers, however, took exception to this, and they thought fit to throw a number of men out of work; that is to say, they said, that the workmen must either accept of less wages or work 60 hours, or go off altogether. The men adopted the latter alternative, and the greater number of them struck for six weeks. Ultimately, the employers yielded to the workmen, or at all events, the greater part of them; there might be some exceptions. The whole of the matter turned upon whether the workmen were to work for 57 or 60 hours a week. The masters had agreed, in 1854, that they should be employed for 57 hours. That is to say, they were to work 10 hours on five days of the week, and were to stop on Saturday at two o'clock; and business being good at that time, they thought they were entitled to the same remuneration for the 57 hours that they had formerly received for the 60. That just increased the price of labour upon every hour of work. It would have given $5\frac{1}{19}d.$ for every hour, if the payment was to be distributed over every hour. It was, in fact, an increase of wages over every hour. In lieu of raising their wages 1*s.* 3*d.* a week, they deducted so much from the hours of labour. They said that rather than take the money they would take the time. The employers now sought to depart from this agreement. Some of them considered that they were paying the workmen for three hours that they did not work; but others of them took the other view of the matter, namely, that it was, in point of fact, an increase of wages, and that I believe to be a correct view of it. We thought that it was just, owing to the improvement of the circumstances of the trade, that they should pay 24*s.* a week for 57 hours, and that workmen might work less and be paid the same rate in proportion to the time they worked. That would be $5\frac{1}{19}d.$ an hour, whereas $4\frac{3}{4}d.$ per hour was the sum which they now in 1855 offered us. Under these circumstances the men, considering that they were not asking to be paid for time that they had not worked, struck for that sum, and the employers, in the end, acceded to the workmen's desires, but only after immense loss had been entailed upon both parties.

2839. Mr. *P. Urquhart.*] That was in reality a question of wages?—It was, in point of fact, a question of wages. Now, to show to the Committee that the workmen

workmen were entitled to the wages which they required, I should state that there has never been any attempt made to reduce them since that time. The same rate of wages has continued now for two years.

2840. Do they continue to work 57 hours a week, or 60?—Fifty-seven hours is the rule.

2841. *Chairman.*] And they get the same wages that they used to get for 60 hours?—The same that they got for 60 hours under less favourable circumstances.

2842. Viscount *Duncan.*] In the case of the strike to which you allude, was any attempt made to refer the differences between masters and workmen to arbitration?—I am not aware that there was any attempt of that kind; but there was a conference between the masters and the workmen, in which the matter was fully debated. Some of the employers argued that 60 hours of labour was the natural course of things. The workmen argued that there was no natural reason why 60 should be the number of hours' work in a week rather than any other number.

2843. *Chairman.*] The fact of being paid for 57 hours the sum they had received for 60, constituted a rise of wages?—It was actually a rise of wages.

2844. Mr. *P. Urquhart.*] Supposing they could work 60 instead of 57 hours a week, would they have had an advance of wages?—They would have had 1 *s.* 3 *d.* more per week.

2845. *Chairman.*] What do you say is the rate of wages which they receive per hour?—Fivepence and $\frac{1}{19}$ part of a penny; but to obviate the difficulty arising from the $\frac{1}{19}$ part of a penny, we entered into an agreement of this nature, that whenever a workman worked the full 57 hours a week, he was to be paid 24 *s.*; but whenever the man worked less than that, he was only to be paid at the rate of 5 *d.* per hour for the hours that he worked. That was like a solatium to the masters for what they lost from the men's loss of time.

2846. Then, in your opinion, it requires some legislative enactment to prevent these evils?—It requires some legislative enactment which will enable the men to meet their employers, so that they may have the opportunity of arguing the matter among themselves under the presidency, either of a gentleman of their own appointment, or of one appointed by the Government; and I conceive that that court ought to take cognizance of all questions either prospective or retrospective, whether of agreements or of time, which may arise upon something that has already passed, or upon something that is to come.

2847. Do you consider that such a court ought to have power to regulate wages?—I think it ought not to have power to regulate wages. The way that I think the Board ought to work is this: on any case of difference about wages arising with regard to the future, it might be the duty of this court to hear both parties upon the question, and then this Court of Conciliation (for the term conciliation would apply to the thing more than arbitration), should advise either party. According to the circumstances of the case, the workmen may be advised that, owing to the state of the trade, they ought to accept the reduction which the masters offered; or the masters might be advised that, owing to the circumstances of the trade, they ought to allow the workmen to participate in their profits: they might advise in this way, and I think the public opinion would in this case compel either party to submit to arbitration.

2848. Mr. *Kinnaird.*] Has this question of a Court of Conciliation been discussed among the workmen generally?—Just at this present time, before I came up to give evidence here, it has been largely discussed among all the trades which I represent, and before that it has been discussed among every trade in the district; and there has been a general desire among them all that some court of this kind should be established.

2849. Did this discussion take place before this Committee was appointed, or afterwards?—There have been views of that sort taken both before and since.

2850. How long before the appointment of this Committee was this matter discussed?—I should say that the matter has come up before us, in several instances, during the 12 months before that time. I think that in the case, when the strike took place in 1855, which I have spoken of, that question was mooted.

2851. Viscount *Duncan.*] Have you turned your attention at all to the constitution of such Courts of Arbitration as you think would be applicable to disputes between masters and operatives?—We think that they ought to consist of an equal number of employers and employed; and, as I observed already, the Chairman of that Board ought to be an independent gentleman, not at all connected

Mr. *J. C. Proudfoot.*

22 May 1856.

with either party, or with the particular matter in dispute, and he might either be appointed by the arbitrators themselves, or by the Government.

2852. *Chairman.*] Assuming that this tribunal were so constituted as you have mentioned, with a chairman elected as you have stated, and supposing that either party, either masters or operatives, refused to abide by its decision, what would be the result?—I think that a question of that kind could only arise in taking a view of something retrospective; and I think that the common law of Scotland, under all circumstances, would meet those cases. If an appeal was made, for instance, to the sheriff, supposing the dispute to be about the quality of work, or the amount of work, or anything of that kind, he is empowered to refer it to arbitration; all questions of that kind, with which he is not practically conversant, he has power to refer to arbitration.

2853. Viscount *Duncan.*] That is under the existing law?—That is under the existing law; I conceive that that is part and parcel of the common law.

2854. *Chairman.*] That is not sufficient for the present purpose?—I think not; that has only reference to retrospective cases.

2855. Viscount *Duncan.*] Will you explain in what way you consider the power of the common law insufficient at present?—Under the present law the sheriff may name the arbitrators upon any question that comes before him; but even as to the law officers, the working classes do not conceive that they at all times give justice in the matter. Sometimes they conceive that the magistrates may be more or less connected with the manufacturers, and they conceive that if they had a court of this kind established, where they were fairly represented by a number of men appointed by themselves, and where the employers had also a number of men to represent them, appointed by themselves, with an independent gentleman as chairman, it would answer all the purposes in view more satisfactorily to all parties.

2856. Do you wish that the independent chairman should be appointed by the Crown?—Either so or by the parties.

2857. *Chairman.*] If the parties could not appoint a chairman, you would refer to the Crown?—Yes.

2858. Sir *H. Halford.*] Is there anything in the office of sheriff inconsistent with such an office as that?—I think the working classes of Scotland would have no objection to the sheriff being chairman of that Board *ex officio.*

2859. Mr. *P. Urquhart.*] Would the sheriffs in Scotland have time to attend to that matter?—Possibly they might not.

2860. *Chairman.*] Do you think that some such person would be eligible as chairman?—I think that some such person would be eligible; I think the general view that the working classes take of the matter is, that such an officer would be quite independent of both parties.

2861. In the event of either party not agreeing to the decision of these councils of arbitration, do you think that the feeling of public opinion would be such as to drive them to agree to it?—I think that public opinion generally takes a pretty fair view of the justice or injustice of any question that comes before it, and I think that public opinion would be sufficient to settle the matter without appealing to a strike. If this Board of Arbitration advised a certain course, I think that public opinion would be sufficient to prevent a ruinous strike.

2862. You think that, both with the masters and with the operatives, the feeling that the Board had decided so and so would induce them to give up the idea of a strike or of oppression, and make them subservient to the decision of that court?—Yes.

2863. Mr. *Kinnaird.*] Even if that decision were against their own view?—Even if the decision were against their own view.

2864. Would you make the decisions of the Board of Arbitration compulsory?—I think that in regard to all matters of contract it would be compulsory.

2865. Do you want it to be compulsory in all matters of contract?—Decidedly.

2866. In the case of a master refusing to pay higher wages, would you make the decision of the Board operate so as to compel him to pay higher wages?—No, that would be a matter of advice.

2867. *Chairman.*] You never would make a court that should establish a rate of high or low wages?—Prospectively, I would not.

2868. Sir *H. Halford.*] Would you consider it part of their office to publish a list of the wages which had been given hitherto?—I would consider it part of their

their duty to take into their consideration all the arguments that might be brought before them, *pro* and *con.*, any particular question, and that they might in accordance with their view of the circumstances of the time, and the state of trade, either advise the operatives to accept the terms that might be offered by the masters, or they might advise the employers to offer the price that might be required by the workmen; and I think that their advice would have great weight with either party. There are a great number of trades in Scotland worked according to what are called "Book Prices," usually these prices are established by the book, and there is a certain per-centage of reduction for the state of trade at the time. That I regard as a matter of contract; and I conceive that the particular questions in dispute of a nature to come before this Court of Arbitration would be as to the quality of the work produced, and if the work had been spoilt, or anything of that kind, they should say what reduction ought to be made. The parties who should sit in that Court of Arbitation would be conversant with the nature of the work, and would be able to state what amount of per-centage should be reduced from the book prices as a solatium to the employer for the damage done to his work.

2869. You think that there would be an advantage if there were to be published upon the authority of this Board a sort of price current?—It might be an advantage certainly in some senses; but to refer the matter to them prospectively would not be a good thing.

2870. Viscount *Duncan.*] Do not the wages in the same trade vary very much in different districts?—In different districts they do; that is owing to the demand; where there is a large trade carried on, there is a greater demand for workmen than where there is a small trade.

2871. And where the demand is the greatest, the wages are the highest?—Yes.

2872. *Chairman.*] Do you think that such a court as you propose could settle that business?—I think that such a court would be a good means of bringing them more immediately together, so that they could settle their differences by mutual conference, or if they could not agree they must appeal to the Court of Arbitration.

2873. Viscount *Duncan.*] Do you contemplate that this Court of Arbitration should be a permanent Board, or merely temporary?—I think that when a dispute occurred between the employers and the employed, either party should have liberty of complaint. They should complain, for instance, to the sheriff, and the sheriff should have the power to issue a mandate to the parties concerned to appoint jurors in the cause, and to appoint a chairman, if the Government did not appoint the chairman; and that both parties should be bound to abide by their award.

2874. Mr. *Kinnaird.*] Would you have a separate Court of Conciliation for each trade, or do you think it might be so managed that there should be one court for all the different trades; would it be necessary in every dispute to have people conversant upon the particular trade to adjudicate upon the matter?—It would be necessary to have men conversant with the subject.

2875. Viscount *Duncan.*] It requires them to be good judges of work, in order to be good judges in a Court of Arbitration?—Just so.

2876. Mr. *Kinnaird.*] You have said the public opinion does act effectually; do you think that this Court of Arbitration would be a speedy way of arriving at public opinion, because the evidence taken in that court would immediately act upon public opinion?—Just so.

2877. Mr. *Leveson Gower.*] Do you think that if all the workmen on this Board were of one opinion as to a question of future wages, and all the masters of the other opinion, the advice of that Board would have much influence?—I conceive that it would; they would have the opportunity at any rate of arguing the matter, and I think that the chairman, under those circumstances, would have the power of deciding; he being an independent gentleman, his opinion would have very great weight in the matter, and I think it would induce the master in some cases to comply with the demands of the workmen, and it would in other cases be a great means of inducing the workmen to comply with the requirements of the employers.

2878. Viscount *Duncan.*] To what body of workmen would you refer the election of members for such a Board as that?—In the particular case which I have mentioned, in the case of a dispute occurring, the complaint might be laid before

Mr. *J. C. Proudfoot.*

22 May 1856.

the sheriff, and he would have power by mandate to summon the parties into his presence, and then it would be for the parties immediately concerned to elect the Board. Suppose, for example, that 20 workmen were in dispute with their employer, the 20 workmen could elect two representatives, and the employer could elect two representatives, and the people thus elected should form the Board.

2879. Mr. *Kinnaird.*] Before a dispute arises, could not the different trades settle beforehand upon a number of men who, in the event of any disputes arising, should settle those disputes?—I think it might be very possible.

2880. Have you any trades' unions in existence among you, or any meetings which could nominate to the satisfaction of the workmen such a jury?—Yes; all the workmen whom I represent here are organised bodies, and I think it might be quite possible for the workmen to elect this Board, and I believe it would answer the purpose very well.

2881. What is the object of your trades' unions?—They are merely to prevent the reduction of wages.

2882. How are they constituted?—They are constituted by particular individuals of the trade becoming members of the union by payment of one 1 *d.* or 2 *d.* per week, to defray the expenses of the union.

2883. Is a list kept of their names?—Yes, it is kept in the books of the union.

2884. Viscount *Duncan.*] Are all the joiners of Glasgow members of your association?—Many are not, but in cases of dispute; it is quite as often those who are not members who are engaged in these disputes as those who are, and in fact much oftener.

2885. Sir *H. Halford.*] Do you think that if these courts were established trades' unions might be dispensed with?—I think that in questions of disputes between masters and workmen they might be dispensed with; but many of these trades' unions have other objects, such as providing for sickness and funerals, and things of that sort, and it would cause great loss to do away with them.

2886. Mr. *Kinnaird.*] Have disputes arisen about these trades' societies?—Yes; I can give you an instance: in last year Messrs. Denny, boat builders of Dumbarton, turned the greater part of their workmen off for belonging to a trades' union. These trades' unions were established for the purpose of benefit societies as well as for the protection of their interests; the greater part of the men denied having given them any annoyance as unionists, and the Messrs. Denny, in their manifesto, which was signed by three firms of that name, and Archibald McMillun & Sons, did not make any allusion to any annoyance having arisen from these societies; they merely stated that, in their opinion, trades' unions were not for the benefit either of the employers or the employed, and therefore they determined, by a sort of union, if I may so speak, to put down the trades' union. On the 3d of January they put up a placard upon the gate of their building yard, announcing that they conceived that trades' unions were neither for the benefit of employers or employed, and that for this reason, and many others which they stated, which were all to the same effect, they said that no workmen connected with a trades' union, either directly or indirectly, would be employed by them; and under these circumstances there were nearly one thousand men and boys turned out. There were not that number of skilled workmen. I dare say there would be 400 of them. I was down at Dumbarton one day during the strike, and I was informed by the reporter of the "Dumbarton Herald," that more than 700 men were out of work upon that question, and I dare say there were 400 skilled workmen on strike for three months. In that strike there were a great number of societies, such as the boilermakers' society, and the ship-carpenter's society. The ship-carpenters had a benefit connected with their union. In the boilermakers' society, in case of any accident occurring to any of their members by which they were prevented from following their employment in future, if a certificate from a medical man was obtained, they were entitled to receive a bonus of 60 *l.* or 12 *s.* a week while they were unable to follow their employment. The workmen had been in connexion with these societies for five, six, four, or three years, so that separating from these societies to gratify the Messrs. Denny, so to speak, would have been losing a great benefit.

2887. Viscount *Duncan.*] How did that strike end?—I believe that the workmen all got employment elsewhere, and the Messrs. Denny got a number of workmen,

men, so that in fact the matter is undecided yet in any specific way, and it remains in *statu quo*.

2888. Sir *H. Halford.*] Are any of the employers connected with trades' unions in any way at all?—Not that I am aware of. I do not know of any union among employers except the one I have spoken of, where there was really a trades' union, by the affixing of the names of the four firms to the placard.

2889. Mr. *Kinnaird.*] What is the amount of aliment which is afforded to a man upon strike?—If he is a member of the Joiners' Association, which is all that I can speak to, he is allowed 10*s.* a week.

2890. Have you funds to meet an extended strike?—We have never failed in funds yet. We have never been under the necessity of refusing full payment to any of our members; but before a strike can take place in the trade for a demand made by the workmen, or on account of a demand made by the employers, it must always be submitted to the committee of the trade, or to a general meeting assembled for the purpose, and if they do not approve of it in any particular dispute among any particular body of workmen, they do not assist them.

2891. Viscount *Duncan.*] How many does that committee consist of?—The committee consists of 20.

2892. Mr. *Kinnaird.*] Elected among themselves?—Elected by universal suffrage; elected by the members.

2893. Is the election on a particular day?—Yes; in November, February, May and August, they are elected to serve six months; one-half retiring every three months.

2894. Do a great number of the operatives attend on those occasions?—No; a certain number of the members of the associations attend upon those occasions; the place is open for every non-member.

2895. You stated in your evidence just now, that it is the practice to cease labour at two o'clock on Saturday; is that continuing now?—Yes; it is almost universal now in Glasgow.

2896. Did the employers object to it?—Yes, they did; they did not object to our stopping at half-past two on Saturday, but they wished the full complement of 60 hours throughout the week. Now, the workmen thought that if they laboured 10 hours for five days, it was quite sufficient to exhaust any one's bodily powers.

2897. In your trade is it becoming pretty general in Glasgow now to cease your labour at two o'clock?—It is altogether general.

2898. Viscount *Duncan.*] Is there any reduction of wages in consequence of that reduction of the hours of work?—There is no reduction, from the fact that the circumstances of the trade are so much better now than they were, that they entitle the workmen to ask for 60 hours' wages. It is, in fact, an increase of wages over the whole week.

2899. Mr. *Kinnaird.*] Is it the opinion of the workmen that their physical energies require a relaxation?—They do.

2900. When are the wages paid?—At two o'clock on Saturday; they are paid on every alternate Saturday.

2901. Then they can purchase their things in good time?—Yes; and they have daylight to look at their things, and it does not keep a man and his family running about the town at twelve o'clock at night, as late payments do. They have also an opportunity of taking a sail down the Clyde.

2902. Viscount *Duncan.*] Is that regulation adopted by all the trades of Glasgow?—Yes, it is very general; in fact, I do not know any trade that has not adopted it.

2903. Mr. *Kinnaird.*] And the employers are reconciled to it?—Yes.

2904. Practically, is not as much work done now as before?—Practically, quite as much.

2905. The men, knowing they will be released at two o'clock, work with greater vigour?—They have more pleasure in it.

2906. Sir *H. Halford.*] Are the wages always paid in money at Glasgow?—Yes.

2907. There are no such things as payments in goods and provisions?—There are no such things as payments in goods and provisions.

2908. Mr. *P. Urquhart.*] You said just now that there was a strong opinion in Glasgow in favour of some sort of court of conciliation; does that opinion prevail among the masters as well as the operatives, or only among the operatives?—I have not been in communication with the employers upon the subject, but I think among the more liberal of employers it does prevail.

Mr. *J. C. Proudfoot.*

22 May 1856.

2909. You only speak for certain of the operatives?—I only speak for certain of the operatives, but I think that there is a great desire, at the same time (and I have heard it expressed among employers when I have met them), that in cases of disputes arising they should meet the workmen in a friendly manner and discuss the matters with them.

2910. Viscount *Duncan.*] Do you think that strikes are more general of late years than they used to be formerly?—I think they are decidedly upon the increase.

2911. Mr. *Kinnaird.*] Can you give any reason for that in your own mind?—I would not say that I could give any reason for it, but at the same time that strikes are more numerous now, I think they are conducted in a more proper spirit than they used to be. There is one great strike at present pending in Lanarkshire and four neighbouring counties among the miners. I believe the reason of that strike is, that the employers have offered a reduction of wages to the extent of 1 *s.* a day; the miners have been in the habit of receiving 5 *s.* a day, and the employers are desirous of reducing the wages 1 *s.* a day; the operatives, of course, have resisted it, and in consequence of their resistance the nature of their situation is this: the coal-masters in Scotland, and I believe in the north of England also, have a number of cottages built in the neighbourhood of their mines, and the miners occupy them from month to month, not having a lease of them, as the common practice is in Scotland, from term to term, that is, from Whitsuntide to Whitsuntide.

2912. Sir *H. Halford.*] Do they pay rent for them?—Yes, there is so much deducted from their wages; and in consequence of this strike the great majority of them have been turned out of their houses. With the permission of the Committee I will put in a paper from the miners representing their grievances.

2913. Mr. *Kinnaird.*] Do you represent the miners here?—Yes.

2914. What number do you suppose are out on strike now?—I cannot of my own knowledge positively state the number, but I have seen it estimated at from 17,000 to 20,000, I think that was the estimate given in the "Glasgow Saturday Post" a few weeks ago; they were estimated there at from 17,000 to 20,000. Mr. McDonald, miners' secretary, estimated their number, two weeks ago, at from 30,000 to 40,000.

2915. Mr. *B. Blakemore.*] Are there any furnaces out of blast?—There are a number, but I could not state positively what number.

2916. You could not state what proportion of the whole number of furnaces in the district are out of blast?—No.

2917. The reduction of 1 *s.* a day would reduce their wages to 4 *s.* a day; 24 *s.* a week?—Yes, but out of that 24 *s.* a week, the miners have to pay for oil and the sharpening of their implements of labour. The sharpening of their picks in working the coal costs them 3 *d.* a day, and they have to provide also from the 4 *s.* a day the powder for blasting.

2918. How much would that amount to a day?—The powder for blasting amounts to about 6 *d.* a day; I think the miners stated that in the placard they issued.

2919. How much does the oil cost?—I could not state the amount which the oil costs them, but they stated that the wages that are left after all this is paid, amount to 14 *s.* or 16 *s.* a week.

2920. Does the oil cost more than the powder?—No, I do not think it does.

2921. *Chairman.*] The men have a clear payment of 16 *s.* a week?—Yes.

2922. Mr. *B. Blakemore.*] Do they work six days out of the week?—They usually do.

2923. How many hours a day do they usually work?—I am not sufficiently cognisant with their affairs to state how many hours a day they work.

2924. *Chairman.*] Supposing such a Council of Conciliation as you have mentioned were established, do you think the masters would give any opposition to it?—I do not think so.

2925. You think both masters and workmen would agree to it?—I think so.

2926. Viscount *Duncan.*] Have you had any communication with the masters upon the subject?—I have had no communication with the masters upon the subject to know what they think of it, but my impression is that they would agree to it, being equally represented with the workmen.

2927. Mr. *B. Blakemore.*] You referred to a paper from the miners stating their

their grievances; what is the date of that paper?—There is no date to it; it is on the 26th March.

2928. Was it before the strike began?—It was before the strike began; the strike was pending.

2929. The notices had been given?—The notices had been given.

2930. What is the usual notice; a fortnight or a month?—I do not think there is any usual notice given; the masters put up a placard announcing that a certain reduction will take place at a given day. This paper has no relation to the strike; it sets forth the number of general grievances that they conceive they labour under.

2931. Does it emanate from a public meeting?—It emanated from the recognised secretary of miners of the Holytown district.

2932. *Chairman.*] Do you speak the opinion of the miners or not?—I do speak the opinion of the miners; but this paper does not relate at all to personal opinion upon the matter; it specifies a number of facts.

2933. Mr. *Kinnaird.*] Do you think that those facts are correct, and that this paper may be taken as expressing the general feeling of the miners upon the subject?—I conceive, as far as my knowledge extends, that that is the case.

2934. Sir *Henry Halford.*] Where is the Holytown district?—It embraces all the neighbourhood about Glasgow to the east.

2935. Will you read the document which you have referred to?—"Prominent grievances complained of by the miners of Holytown district: 1st. That although we, as a class of workmen, are engaged at so much per ton for mine, and 13 cwt. per cart for coal, yet in many works there are no such things as steelyards or weighing machines of any description whereby to regulate the workmen's labour, and the whole matter is left to the avaricious and keen calculating eye of a menial of the employer, who, it can be safely stated, will not be satisfied with less than 28 cwt. per ton for mine, and from 17 to 19 cwt. per cart for coal; and besides, very heavy deductions are made under various pretences, such as foul coal, brassey coal, &c., &c. And where they have weight, the system adopted is so very oppressive that it often causes a strike; for supposing a workman was putting or sending 10 hutches, which is $3\frac{1}{3}$ carts, to bank, each hutch being $\frac{1}{4}$ cwt. overweight, if one of this number is found only one pound deficient, the workman loses the whole price of that hutch, and nothing is allowed for the overweight which he has produced. 2d. That although employed on piece-work, the master generally fixes a certain quantum per day, and that labour is too heavy for us to perform. And if a united effort is made by us to reduce the quantity required by the employers to an ordinary day's labour, they (the employers) will not allow us to work, and therefore a strike is the immediate result. 3d. That the employers, although in receipt of fair remunerative prices in the market for the material, often make unjust and unwarrantable reductions in the wages, thereby causing their workmen to enter upon a strike. It is therefore recommended, that a sliding scale of prices should be adopted between employer and employed. 4th. A code of laws, entitled "Special Rules," containing no fewer than 43, the general drift of which is to throw all responsibility of accidents and other unskilful management on the shoulders of the workmen, inculcates a silent system, extra labour without promised fee or reward, and pains and penalties, the most tyrannical and vexatious ever heard of. In almost every work where this large book of rules has been served, it has caused a partial or procrastinated strike. 5th. The truck system is another grievance loudly complained of; in spite of all laws passed to the contrary, the employers manage to conduct a system almost as purely truck as language can express it; for although they make a pretence to pay by cash, yet if any workman takes that cash to the best market, he is immediately discharged from employment; and all monies for house rent, tools repairing, doctor's fees, and schoolmaster's fees are retained by them in the pure essence of truck. 6th. That although the Government has enacted several important measures for the more safe conducting and better ventilating of mines and collieries, yet these laws are so much neglected, perverted, and misinterpreted, that their provisions are seldom brought into play for the benefit of the miner, which of necessity is the means of engendering discontent which often terminates in a strike. The proposed cure for these evils is some such measure as that now in operation in France, whereby all disputes arising between employer and employed would be settled by arbitrators mutually chosen by both parties." I have also a paper from the coopers of Glasgow, which relates to the subject now

Mr. *J. C. Proudfoot.*

22 May 1856.

under inquiry: "For some time past, the coopers in Glasgow have had under consideration the evil tendencies of strikes, and have arrived at a conclusion that the only remedy is the establishment of courts of arbitration. This they maintain for the following reasons: 1st. Within these last 20 years, we have had three strikes; the first lasted 18 weeks; the second, 10 weeks; and the third, 15 weeks. This last cost upwards of 1,000 *l.*, independently of the loss of wages, while we only gained a part of our original demand. 2d. By the result of the late dispute, we find that if strikes are often repeated and of long duration, the colonial branch of our trade, which takes up three-fourths of our men, would be driven from this country to America. 3d. Strikes destroy that kindly feeling that should exist between employers and employed, and are a great barrier to the social progress of the community. We are of opinion that arbitration is beneficial and necessary; because, 1st, we firmly believe that had arbitration been resorted to in our late strike, it would have had the effect of settling our dispute with the same result, without any stoppage of work. 2d. The coopers' trade, in Glasgow, being almost all wrought by the piece, and the price for making casks being often altered in consequence of differences of size and material, disputes have arisen, and when arbitration has been resorted to, we have found it beneficial to both parties. 3d. That though the employers in this city are enemies to each other when the men are at work, no sooner is a demand for an advance of prices made than they unite together, and however reasonable our demands may be, treat our offers of arbitration with disdain. Therefore we earnestly pray that courts of arbitration may be established by law as the only remedy to save a vast amount of loss of time and money, and to prevent poverty and crime, and the ruin of the commerce of the British nation. The above was submitted to a meeting held in the Democratic Hall, 48, Nelson-street, on Thursday, April the 8th, and was unanimously agreed to. Glasgow, 9th April 1856. *John Lindsey*, Præses, Coopers' Society."

2936. Viscount *Duncan.*] Will you explain what you mean by speaking of the colonial branch of your trade?—During repeated strikes an order from America cannot be executed, and consequently, instead of the labour coming here to be executed, the workmen go to America and perform it.

2937. Mr. *Kinnaird.*] What is the number of coopers in Glasgow?—I think they are not a large body; I could not give a proximate estimate of their number.

2938. Are their wages higher than the joiners?—No.

2939. You state that although nominally the truck system does not exist, practically the workman is subjected to a great loss, by being compelled to purchase his goods at certain specified shops?—It has been stated, in the placard issued by the miners, that it amounts to from 20 to 25 per cent. upon the wages. They have to pay upon their provisions from 20 to 25 per cent. more than the market prices.

2940. Sir *Henry Halford.*] Do you think that the checking of a practice of that sort would come fairly under the jurisdiction of a court of conciliation?—I think so; for although legally they might evade the question in a law court, I do not think they could possibly evade it in a court of arbitration.

2941. Mr. *P. Urquhart.*] May not the labourers be supplied in these shops with things which they could not get so well elsewhere?—I think not. Practically speaking, there is no truck system in towns; it has often come to my cognizance in country districts; it exists to a great extent in the miners' villages, where there are shops that they could go to at very little expense of time. Wherever there is a trade, you will always find some individual ready enough to set up a shop besides the employer.

2942. Sir *Henry Halford.*] Are the truck shops kept by the large employers, or by the sub-contractors?—They are generally kept by large employers; in fact almost every employer has a truck-shop, unless the amount of labourers he employs is too insignificant to make it worth while.

2943. Mr. *P. Urquhart.*] You think the labourers have not any advantage whatever from dealing with the truck-shop?—No, I think not.

2944. Mr. *L. Gower.*] You think the employer benefits by these truck-shops?—I think he must.

2945. Does not the employer give higher wages on account of this truck-shop?—I do not think so, because the amount of wages is regulated by the demand in the trade.

2946. Mr. *Kinnaird.*] Is there any benefit derived from these shops arising from

from the workmen being removed from the temptation of spending his wages in drink?—No, usually they sell drink in the truck-shops; there was a colliery that I went to one day, and in the truck-shop they sold spirits. They sell it on credit, and then the workmen have to come in and pay it upon the Saturday night when they receive their money.

Mr. *J. C. Proudfoot.*

22 May 1856.

2947. Is not that stopped by the recent Act against selling over the counter?—Yes; what I refer to was before Mr. Forbes Mackenzie's Act, and I think it must have been stopped by that Act; but I cannot speak of my own knowledge whether they have not resorted to some other method of doing it.

2948. With reference to the miners' strike at present existing, what is the amount of loss which has been sustained by the trade?—I have heard it estimated that the loss of wages, and the loss of interest of capital at present arising from the miners' strike in the four counties, is very little short of 300,000 *l.* a month.

2949. Viscount *Duncan.*] Can you state upon what facts that calculation is based?—It is based upon the number of miners out of employ, and the usual amount of weekly wages which they receive.

2950. Mr. *Kinnaird.*] Is not there a considerable loss to the trades who supply them with necessaries?—Yes; and it has cost a great deal to the public of Glasgow during the last month or two, because the coal of Glasgow has been raised in price 150 per cent. to the working people. It has been advanced to all classes; but to the working people, who buy their coal from day to day, it has been advanced 150 per cent. I was informed that Mr. M'Intyre, the warehouseman in Glasgow, who supplies the shops for a number of mining villages round about, and who sometimes supplies to the extent of 180 *l.* a fortnight to those shops, now must suffer a loss at all events upon the supply that he furnishes to the extent of from 35 to 40 per cent. I wish to state that, to give the Committee an idea of the extent to which the public has suffered in consequence of that dispute.

2951. Viscount *Duncan.*] Is the dispute still going on?—It is still going on now, and has been since the date I have mentioned.

2952. *Chairman.*] When did it begin?—It began either on the 27th or the 31st of March, and it has been going on ever since that time.

2953. Sir *H. Halford.*] Is not the calculation which you have given founded upon the loss to all parties?—Yes.

2954. Including, in the first instance, the loss of wages to the workmen, and then the loss to the shopkeepers, on account of the non-expenditure of wages?—Yes; and then the loss also to the employer in consequence of his capital lying in a great measure idle.

2955. *Chairman.*] The loss as well to the master and the employed as to the people in general?—Yes.

Mr. *Hugh Lees*, called in; and Examined.

2956. *Chairman.*] WHAT is your situation in life?—I am paid Secretary for the Associated Cotton Spinners of Scotland.

Mr. *H. Lees.*

2957. Viscount *Duncan.*] How long have you occupied that situation?—I have been 23 years a cotton spinner, and I have occupied this situation of secretary from 1850 to 1853. I gave it up then for a short time, but have been called back again in the month of February last.

2958. *Chairman.*] Will you state to the Committee what is your opinion with reference to the existing law between masters and workmen; is it sufficient for the purpose?—No.

2959. Will you give your reasons why you think it is not?—We consider that under the present law the masters have an advantage, inasmuch as it is optional upon their part to meet the employed. During the time that I have been secretary I suggested to Mr. Dunlop, the president of the masters' association, that a court of conciliation should be established between the employers and employed in our trade, but it was declined.

2960. Viscount *Duncan.*] Has there been an indisposition on the part of the masters to meet you?—Quite so.

2961. *Chairman.*] Will you state to the Committee what plan you think would be beneficial to both parties?—We consider that boards of arbitration ought to be

Mr. *H. Lees.*

22 May 1856.

established, which should be summoned where a dispute occurred between the employers and employed, and which would be under some necessity to attend and to discuss the grievances between employers and employed, and that there should be a president appointed, either by the Government or by the arbitrators themselves, to decide.

2962. Do you think that such Boards of Conciliation would answer the purpose and prevent strikes and disputes?—We are of that opinion.

2963. How would they effect that object?—They would do so in this way, that if a dispute was occurring, the thing would be properly considered between the two parties, and they would come to a more amicable conclusion than by the masters refusing to meet them. That is our opinion upon the subject. We should come to some rational conclusion that would be satisfactory to both parties.

2964. Viscount *Duncan.*] Suppose the masters were not anxious to meet the men, do you propose that it should be made compulsory upon them to do so?—We should like it that way.

2965. So that you would have a council of so many masters and so many men, and the chairman to have the casting vote?—Quite so.

2966. You say that the existing law is not sufficient?—Yes; inasmuch as the employers decline to meet the employed when they have any grievance to get redressed, or any question to get settled.

2967. Assuming that such a Board were established, and either party refused to abide by its decision, what should be done?—We are of opinion that the decision of the chairman should be final, and that no other court of appeal should be established.

2968. Assuming that this court of conciliation were to be established by the sanction of the Legislature, and to consist, as you have suggested, of so many masters and so many workmen, with an independent chairman, assuming that this court were to decide so-and-so, and that either party, the master or the operatives, did not choose to obey the decision, what would be the result?—I could not say as to what would be the result; I think that the decision of the court should be binding on the parties.

2969. Do you think that the influence of public opinion would induce both parties to agree to it?—Quite so; I agree to that.

2970. Sir *H. Halford.*] Ought there to be a compulsory power in these courts?—I should not like to say that it should be a compulsory power.

2971. *Chairman.*] You would leave it to the influence of public opinion?—Yes, I think public opinion would so far overrule both parties that the decision would be final.

2972. Still you do not contemplate giving them a compulsory power?—No, I do not.

2973. If the masters were advised to give so much more, and they refused, the Board should not have any compulsory power?—No; I do not think that would be justifiable or reasonable.

2974. Viscount *Duncan.*] Will you explain the reasons for your answer?—If these courts were established, and the matter reasoned calmly and deliberately, I conceive that it would be nullifying the power invested in those courts, to say that we would not abide by their decision. It would render these courts of arbitration useless.

2975. *Chairman.*] You think that in general their decision would be obeyed by both parties?—I think so; that is my opinion; and it is the opinion of the parties I represent.

2976. Mr. *A. Pellatt.*] Supposing that were not the case, do you think that if a Government officer from the Board of Trade were to go down and take memoranda of what was going on, and who was in fault in not abiding by the decision of the court, and that were advertised, it would have such an effect upon public opinion as to bring a favourable decision?—I think so.

2977. Do you think that would be desirable?—Yes.

2978. *Chairman.*] Do you know what strikes have taken place in Glasgow in the particular trade with which you are concerned?—I will read you a paper which contains a short summary of them; it is as follows: "To the Honourable Gentlemen appointed by the House of Commons as a Committee of Inquiry into the cause and effects of strikes, in connexion with the various trades of Great Britain.—We, the operative cotton-spinners of Scotland, belonging to Lanarkshire, Renfrewshire, Stirlingshire, and Dumbartonshire, endeavour to show the enormous

enormous loss sustained by us and the community at large, from August 1845 to February 1856, a period of fully 10 years, or 135 months, which said loss and expense were incurred by opposing direct and uncalled-for deductions in our wages. Arbitration has often been solicited by us to settle disputes that have occurred between our employers and us, but as often rejected without reason or cause; therefore we are most anxious that Parliament should legislate on the important question of establishing boards of arbitration, in order that full evidence might be produced by the parties in opposition to each other, before the said boards, so that they may then judge who is on the right side, and decide accordingly; and no doubt, by this mode, justice would be given to all concerned. We have had conferences of employers and employed, and in some cases good results have followed for a time, but only for a short time, as the avaricious employer, who is ambitious to push a fortune quicker than his more honourable neighbour, will not be bridled by the decision of mere permissive conferences or permissive arbitration. Therefore it is necessary that the Legislature of our country should move in the matter, as, in our opinion, strikes have proved not only hurtful to us as a body of operatives, but also to our employers, and to the community at large, which we can show by the following statement. We have had six strikes during the period already mentioned, which has cost us for aliment 3,141 *l.* 16 *s.*, and the expense of conducting said strikes was 1,100 *l.*; making a total loss of 4,241 *l.* 16 *s.* The loss to the community, by want of wages, was 7,220 *l.* 8 *s.*; making a total of 11,462 *l.* 4 *s.* The last item is the enormous loss to the community for the last 135 months."

2979. Viscount *Duncan.*] Were any attempts made to settle the matter by arbitration during any of these strikes?—Yes; I have stated already that I commenced my secretaryship in 1850, and was three years secretary, when I gave it up again. In the year 1851 I solicited the president of the masters' association to get a board of arbitration established in our own trade; the answer given to me was that he would be very well pleased that such a board should be established; but he said that their interests were so much divided that those who would wish to pay the rates recognised between the parties would do so, but the parties that were going as it were under the trade, and who were ambitious to push everything before them, would not be bridled by the decisions of the generality of the employers and the employed, and therefore it was laid aside. I solicited that very strongly. I may mention that there was not a conference in our trade from the year 1837 to the year 1851, when I went to Mr. Dunlop, the president of the masters' association, and solicited the matter very strongly.

2980. *Chairman.*] Your own opinion decidedly is, that courts of arbitration would be of service to the trade?—Yes, our opinion is very strong upon that point.

2981. Have you anything further that you wish to mention to the Committee?—I have a paper here from the same parties as the other, and also from other trades in Glasgow, which is as follows:—"Should these boards be established, it is the opinion of the cotton spinners of Scotland that the employers be allowed to appoint their own arbiters, and that the employed should have the same privilege; that the umpire or judge be a person unconnected with the class in which the dispute that he may be called to sit upon occurs, unconnected either by relationship, or in any way whatever, with the occupation or trade, and that he be chosen by the board of arbiters as follows: two should be nominated, and should the board not agree as to which of the two nominees shall preside, that the sheriff of the town or county in which the arbiters sit be called upon to decide, and that his decision be final. It is our opinion also that a clerk or recorder ought to be appointed for each court to take down evidence given, and publish the same in a local newspaper within 10 days at least after the court has given its decision on the case before it; and also that all reporters for the public press have free access to all courts of arbitration, and that the signature of each chairman be attached to the evidence taken down by the clerk or recorder previous to publication, so that the proceedings may all go forth to the public in a *boná fide* manner."

2982. Mr. *Kinnaird.*] Have you anything in the payment of your wages that amounts practically to the truck system?—No; we get all our wages, and we have the pleasure of doing with them as we best can.

2983. *Chairman.*] Is it your opinion that each trade ought to have its separate council of conciliation, or that one council should be appointed for all the trades?—It is our opinion that each trade should have its own council.

Mr. *H. Lees.*

22 May 1856.

2984. Is it your opinion that this council should be a permanent standing council, established, we will say, at the commencement of the year, or that it should be established at the moment when any dispute occurred between a master and his workmen?—It is our opinion that it should be a permanent council, and that no change should take place unless the parties leave the trade, or a change has taken place by death.

2985. Viscount *Duncan.*] Would it be necessary that the parties who form the council of conciliation should be well acquainted with the trade on which they were called upon to adjudicate?—Perfectly so, and that is the reason why we wish that each trade should have its own council.

2986. *Chairman.*] So that there should be a permanent council called to act whenever it is required?—Yes.

2987. Is it your opinion that such a council would give perfect satisfaction to the trade?—We are of opinion that it would give general satisfaction.

2988. Viscount *Duncan.*] Would it give satisfaction to the masters as well as to the workmen?—We think so; the statement of Mr. Dunlop enables me to say that many of the masters would be perfectly willing to obey the decision of these courts, but that other parties who were ambitious to rise in the trade, of course would not be bridled by these courts.

2989. *Chairman.*] If the decisions of these courts were not compulsory, how would they bridle those parties to whom you refer?—The decision of the chairman should be final as to whatever was agreed upon by him; he should have the casting vote, and the parties should be under the necessity of doing as that arbitration settled.

2990. Then you would make the decision compulsory?—So far I would. I will explain what I mean. In our trade we have a list of prices established, and when this list of prices is established, the honourable employers never think of deviating from it, but there are other parties who are anxious to deviate from it. Still the honourable employer goes on paying at the recognised rate. This has been the means of causing many strikes. The honourable employer calls the men of his works together, and says, "Such and such a master has deviated from the price; you must bring him up, or I must come down."

2991. Does not it sometimes happen that those parties are the operatives themselves?—No, by no means; the operatives are always willing to abide by the decision of the employers of their own trade.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

Papers delivered in by Mr. Thomas Winters, 11 March 1856:
North of England Carpet Weavers:
Letter from Mr. Henderson on Strikes and Disputes, and mode of Settlement, 1854 - p. 255
Statement of Workmen - - - - - - - - - - - - - p. 255

Appendix, No. 2.

Papers delivered in by Mr. Edward Humphries, 11 March 1856:
Form of Agreement used among Potters in Staffordshire - - - - - - p. 256
Proposal for Boards of Trade, and their Mode of Procedure - - - - - p. 258

Appendix, No. 3.

Paper delivered in by Gilbert Lindsay Molesworth, Esq., 13 March 1856:
Manufactures, &c. in which large bodies of men are employed - - - - - p. 260
Manufactures, &c. in which the number of Workmen is comparatively small - - p. 261

Appendix, No. 4.

Papers delivered in by Mr. William Newton, 15 April 1856:
Letter from the Members of the Amalgamated Society of Engineers, Machinists, &c., to their Employers - - - - - - - - - - - - - - - - p. 261
Letter from the Central Association of Employers of Operative Engineers to Wm. Allan, Secretary, Amalgamated Society of Engineers, &c. - - - - - - - - p. 262
Extract from the "Times," Saturday, 17 January 1852.—The Engineers' Strike - - p. 262
Extract from the "Morning Herald," Monday, 19 January 1852.—The Engineers' Strike p. 263
Communication from Viscount Goderich to the Secretary to the Amalgamated Society - p. 265
Extract from the "Morning Herald," Wednesday, 21 January 1852.—The Engineers' Strike.—The Masters' Statement - - - - - - - - - - - - - p. 265
Minutes of a Meeting of the Executive Council of Amalgamated Society of Engineers - p. 272

Appendix, No. 5.

Copy of Resolution forwarded by the Executive Council of the "Amalgamated Society of Engineers, &c.," on the 5th January 1852, to the "Central Association of Employers of Operative Engineers, &c." - - - - - - - - - - - - - - p. 273

Appendix, No. 6.

Documents relating to the Conseil de Prud'hommes of Lyons - - - - - - p. 273

Appendix, No. 7.

Reports from the French Embassy and from His Excellency M. Van de Weyer - - - p. 280

Appendix, No. 8.

Memorandum respecting the "Conseils de Prud'hommes" in France and Belgium - - p. 282

Appendix, No. 9.

Memorandum by Sir Henry Halford, relative to the Conseils de Prud'hommes in France - p. 286

A P P E N D I X.

Appendix, No. 1.

PAPERS delivered in by Mr. *Thomas Winters*, 11 March 1856.

NORTH OF ENGLAND CARPET WEAVERS.

Appendix, No. 1.

LETTER from Mr. *Henderson* on Strikes and Disputes, and Mode of Settlement, 1854.

IN May 1854, at the close of the Preston Strike, Mr. William Henderson, chairman of the Carpet Manufacturers' Association of the North of England, published a letter, which so fully expresses our (*The Times*') views, that we beg to insert a quotation from it.

Mr. Henderson says—"Previous to 1839 the carpet trade of the North of England had been frequently agitated with strikes—sometimes occurring in one firm, sometimes in several firms at the same time. Victory went at one time with the masters and at another time with the men. Feelings of injury and mistrust prevailed, and in some instances the struggle became so violent that the masters had to apply to the police for protection of their lives and properties, both by day and night. I have heard the late Mr. Howard, of Leeds, and other large carpet manufacturers, say that the struggle with their workmen had cost them everything but their lives. In 1839 these disputes and the organised combination of all the weavers in the district reached a height which convinced the masters that they would soon be unable either to rule their own establishments, or to compete successfully against the carpet manufacturers of Scotland and Kidderminster. They therefore determined to organise a system of defence. The result was a strike which lasted some weeks, but ended in the workmen accepting the terms offered by the masters. The masters immediately caused it to be understood that they wished the trade to be ruled by justice to men as well as to masters; and that, to effect this, an annual meeting should be held in some central town, to which the workmen of each manufactory should send a delegate, so that any grievance existing in the trade might be known at once to all the masters and all the men. The proceedings are as follows:—Sufficient notice is given that the annual meeting will take place: the whole of the masters generally attend, and a delegate is sent by the weavers of each firm. These delegates hold a preliminary meeting, and discuss the views of their constituents and arrange their scheme of wishes. They then enter the room where the masters are assembled, and often state their case with an eloquence which would do credit to those of a higher position. Numerous questions are asked by the masters, and the real bearings of the case, whether of wages or discipline, are ascertained. The delegates then retire, and the subjects are discussed and settled by the masters with a determination to do full justice to their men. The result of this plan is that for the last fifteen years the delegates have only once retired with dissatisfaction, and upon that occasion they prayed the masters to reconsider their verdict. The masters immediately held another meeting, and arranged the disputed point to the satisfaction of both parties. Since 1839 five strikes have occurred in distant districts. In each of these cases the masters of the north of England succeeded in effecting a settlement; and, while they have obtained the friendship of these distant masters, they have repeatedly received the thanks of the men."

STATEMENT OF WORKMEN.

THAT portion of the carpet trade hitherto benefited has been spread over a district extending from the north of Scotland to the midland counties of England, and, in consequence, has had many difficulties to contend with in the advantages and disadvantages of localities, and the difficulty of producing united action in such distant places. The concentration of the factories in Lancashire obviates these difficulties, and, we believe, were a plan similar to our own adopted, a similar good would follow. For some years after the formation of our association the annual meetings of masters and men referred to by Mr. W. Henderson took place, but the good temper produced by the steady working of the system has rendered the attendances of the latter comparatively infrequent: we have such confidence that justice will be given to us that it is now but seldom that our delegates think it necessary to attend. Permit us, therefore, to urge upon the masters and workmen of that unhappy county at once to

Appendix, No. 1.

to adopt some board for reference similar to that we have described, and not to lower themselves in the eyes of all Christendom by persevering in a contest in which one side insanely contemplates the ruin of their employers, and the other side purposes the starvation of the employed.

John Andrews, chairman for the workmen of Messrs. Henderson & Co., Durham.
James Milne, chairman for the workmen of Messrs. Hadden & Co., Aberdeen.
Alexander Hutchison, chairman for the workmen of Messrs. Cuthbertson & Taylor, Kilmarnock.
Thomas Taylor, chairman for the workmen of Messrs. Hugh Wilson & Son, Kilmarnock.
Alexander Young, chairman for the workmen of Messrs. Gregory, Thompson & Co., Kilmarnock.
Thomas Burnet, chairman for the workmen of Messrs. Blackwood, Kilmarnock.
James Wilson, chairman for the workmen of Messrs. Henderson & Widnel, Edinburgh.
William Black, chairman for the workmen of Mr. Templeton, Ayr.
William Clark, chairman for the workmen of Messrs. Halladay & Co., Sanquhar.
Joseph Sampson, chairman for the workmen of Messrs. Samuel Cooke & Co., Mill-Bridge.
William Taylor, chairman for the workmen of Messrs. Black & Co., Stewarton.
Matthew Buckley, chairman of the works of Mr. Pattison, Loath.
William Sweeton, chairman for the workmen of Mr. Tolson, Dewsbury.
Samuel Richards, chairman for the workmen of Mr. John France, Dewsbury.
John Brown, chairman for the firms at Heckmondwicke.
Joseph Milward, chairman for the firm of Whitwel & Co., Kendal.
William Waters, chairman for the workmen of J. Crossley & Sons, Halifax.
William Backer, chairman for the workmen of Mr. John Monkhouse, Barnard Castle.
John Sutcliffe, chairman for the workmen of Mr. C. W. Doves, Leeds.

Appendix, No 2.

PAPERS delivered in by Mr. *Edward Humphries,* 11 March 1856.

Appendix, No. 2.

FORM of AGREEMENT used among POTTERS in *Staffordshire.*

AN AGREEMENT made and entered into this day of in the year of our Lord One thousand eight hundred and BETWEEN and of in the county of Stafford Potter hereinafter called "the said Potter" of the one part and the several other persons whose names are mentioned in the First Schedule hereto affixed who are hereinafter described as "the said Workmen" of the other part.

f a Firm, "Potters nd Co-partners."
Or "Potters," if nore than one.

WHEREBY the said Workmen (each of them agreeing for himself only separately from the others of them so as to constitute a separate contract) do hereby in consideration of the wages or prices hereinafter mentioned or referred to contract and agree to serve the said Potter as Potters that is to say in that branch of Potters' business *mentioned opposite to their respective names in the First Schedule hereto at* in the said county faithfully honestly and diligently from the Eleventh day of November until the Eleventh day of November in the year One thousand eight hundred and (the usual holidays excepted) during all which period the said Workmen agree to do and perform their work in a good skilful and workmanlike manner and to attend to the business of their said employer during the regular and usual working hours to execute h lawful commands preserve h secrets advance h interests to the utmost of their power and in all respects to behave as honest and faithful servants AND the said Workmen agree to be satisfied with such work as the said Potter can fairly and reasonably provide for them during the said term and to be subject to the rules of h manufactory AND in consideration of the premises the said Potter hereby agree separately with the said Workmen (and as to constitute a separate contract with each Workman) to receive the said Workmen into h employment as aforesaid, and to find them respectively a reasonable proportion of work and to pay them for the same in respect of the articles or things mentioned in the Second Schedule hereto subjoined the wages or prices expressed in the same Schedule and in respect of any articles or things not specified in the same Schedule the same wages or prices as have been paid by the said Potter for the same work during the year commencing on the Eleventh day of November last AND it is hereby agreed that if the said Workmen or any of them shall at any time during the existence of this Agreement be required by the said Potter to execute any work (within their respective branches of a Potter's business) not specified in the said Schedule hereto and which has not been executed at the manufactory of the said Potter during

Or "Potters."
If all the workmen signing this agreement are in one branch, these words may be omitted, and in lieu thereof insert called
adding the name of the branch.
"Next" or "instant."
Or "employers."
"His" or "their."
Or "Potters."
"His" or "their."
Or "Potters."
"His" or "their."
Or "Potters."
Or "Potters."
Or "Potters."
Or "Potters."
Or "Potters."

during the year commencing the Eleventh day of November last the said Workman or Workmen shall execute such work on being paid a reasonable price for the same such price in case of disagreement to be settled by arbitration in manner hereinafter expressed and that until the decision of the Arbitrators shall be declared the said Workman or Workmen shall continue to perform such work and shall receive after the rate of shillings per day on account of his or their wages in respect thereof And further that if any dispute arise between the said parties or any of them as to the prices on wages to be paid to the said Workmen or any of them by virtue of this agreement such dispute shall (on the request in writing of either of the parties in dispute within fourteen days after the question shall have arisen) be referred to the decision of six Arbitrators three of whom shall be manufacturers and shall be chosen by the said Potter and the remaining three Arbitrators shall be Working Potters and shall be chosen by the Workman or Workmen with whom the question shall have arisen such Arbitrators to appoint some impartial and competent person as Umpire and the decision of such Arbitrators and Umpire or the majority of them shall be final and conclusive on both parties And if either party shall (for seven days after notice in writing from the other of them requiring him or them so to do) fail to appoint his or their Arbitrators the Arbitrators of the other party may proceed alone and such Referees or the majority of them shall have full power on the application of either party to fix the time and place for entering on such reference and to proceed therein whether both parties shall attend or not Provided always that if at any time during the continuance of this Agreement the said Potter shall not within the period of four successive weeks find and give to any of the said Workmen such work as aforesaid for at least sixteen days (unless prevented by the acts or neglect of any other Workmen at the said manufactory) the Workman or Workmen to whom such insufficient work shall be given shall be at liberty to terminate this Agreement as between himself or themselves and the said Potter upon giving four weeks notice to the said Potter of his or their desire so to do And lastly it is hereby declared that if during the continuance of this Agreement any number of Workmen shall withdraw from the manufactory of the said Potter in violation of existing Agreements so as to prevent the general business of the said manufactory from being carried on then and in such case it shall be lawful for the said Potter to put an end to the several contracts hereby made and entered into or any of them As witness the hands of the parties the day and year aforesaid.

Or "Potters."

Or "Potters."

Or "Potters."

Or "Potters."

Or "Potters."

Signed by the said

in the presence of

The FIRST SCHEDULE above referred to.

Signatures of Workmen.	Branch or Department of Business.

The SECOND SCHEDULE above referred to.

Appendix, No. 2.

PROPOSAL FOR BOARDS OF TRADE, AND THEIR MODE OF PROCEDURE.

Establishment of Boards of Arbitration.

Boards of Arbitration to be appointed by the Crown, upon a Petition of Masters and Workmen, by meetings convened for that purpose.

All Boards of Arbitration or Conciliation should in all cases be appointed by the Crown, upon a petition emanating from a meeting of masters and workmen, convened for that purpose in any part of Great Britain and Ireland, praying Her Majesty to authorise the establishment of such Boards in their own districts, for the amicable adjustment of all disputes arising between masters and workmen, in the particular trade, or branch of trade, to which the said petitioners shall belong. Such Boards shall act for, and only in cases of dispute arising in the trade or branch of trade which they respectively represent. Such Boards to be invested with full power to carry out any Act of Parliament framed for that purpose. The judge or chairman of such Boards to be appointed by the Crown, and to have and exercise all the powers of a justice of the peace granted to him, as set forth in the Act 5 Geo. 4, c. 96.

Boards to be appointed for each branch of trade.

The Judge to be appointed by the Crown, and to have the power of a Justice of the Peace.

Constitution of Boards.

I would advise that each separate Board should be composed of an equal number of masters and workmen, to arbitrate upon and determine all cases of dispute arising between masters and workmen; the masters to be elected by masters, and the workmen by workmen, at meetings specially convened for that purpose. Considering the different branches engaged in one trade are so distinct from each other, as in many cases to render it perfectly impossible for one section to be thoroughly and practically conversant with the details and varied technicalities of another section, and therefore to ensure a full and discriminating investigation of all disputes, the Board of Conciliation or Arbitration should be selected from that branch of industry upon which they are called upon to adjudicate. This mode, I consider, would be inexpensive, expeditious and efficient, three objects essentially necessary in the settlement of all disputes arising between masters and workmen.

Powers and Duties of Boards.

Each Board should have full power to hear and determine all cases of disputes, arising between masters and workmen, relating to all deficiencies in lengths, widths, quantity, size, weight, preparation, quality, or solidity of any work performed, or goods made of cotton, silk, thread, wool, hair, leather, skin, gold, silver, brass, tin, lead, iron, earth, wood, and generally of all materials, animal, vegetable and mineral, prepared in shops, factories, forges or laboratories; upon all defects in work done for an employer, of all kinds and descriptions whatsoever; all complaints of want of solidity and quality in bleaching, dyeing, scouring, finishing, calendering, or printing, arising from not having used the necessary ingredients for the production of good colour or fine impression; all injuries of goods by bleachers, dyers, &c., arising from the use of corrosive or otherwise destructive matters. Upon all disagreements of work done or in the course of being done, or upon the payments of wages previously agreed to be paid; upon the hours of labour; upon any injury or damage done, or alleged to have been done to work, or respecting any delay in finishing or not finishing work in a good and workmanlike manner, or according to any contract, to bad materials, or in any case where the workman or workmen are employed in working any new pattern, where the master and worker cannot themselves agree upon the price to be paid for such new patterns; compensation for purchasing new implements, or for the alteration of old implements, or for any alteration in machinery, or through any other cause involving loss of time to the workman, over which he had no control; upon all disputes arising out of any contract or agreement, whether such agreements be in writing or not, or disputes arising out of any bye-laws, rules, or regulation of any manufactory, mill, yard, mine, or any place or shead where workmen are engaged to labour.

Each Board shall have full power to summon all witnesses, and to take their evidence upon oath, upon all cases of dispute submitted to them for arbitration. In all such cases their decisions shall be authoritative and binding, and they shall be invested with full power to enforce their awards either by fine, imprisonment, or distress.

In all cases where an employer or workman shall refuse to have an arbitration in any case of dispute when required by the other party, the Board shall proceed to hear and determine such dispute upon *ex parte* evidence, and give their judgment accordingly.

Procedure of Boards.

In any city, town or district where Boards of Arbitration shall have been appointed, any master or workman having any cause requiring the services of such Board, and demanding an arbitration, the party complaining shall, within days after such dispute shall have arisen, give notice in writing (to the judge of the court, or to the person appointed for that purpose, of such dispute, and desire to have it decided), setting forth the nature of such dispute; upon the receipt of which demand, the judge or the officer appointed for the purpose shall, within hours issue his summons, requiring the attendance of the arbitrators appointed

appointed by the branch of trade where the dispute occurs, and shall state the time and place where such arbitrators shall meet. All arbitrators shall be bound to attend and proceed at once to hear and determine upon the dispute.

In the event of any delay arising, either from the inability of the arbitrators to decide expeditiously upon the dispute submitted to them for adjudication, or from any other cause, the party or parties shall continue his or their employment, so as to prevent any interruption of the business of the manufactory, mill or other place; the workman to receive a fair rate of wages (if the point of dispute refers to wages) until the decision of the arbitrators can be given; but whatever that decision may be, the master or the workman shall be bound to act according to such decision from the time the dispute arose, as though no delay whatever had taken place.

Should any arbitrator fail to attend, without showing a sufficient cause for such absence, and requiring an adjournment, then it shall be lawful for the arbitrators present to proceed alone to settle the dispute.

In case of an equality of votes among the arbitrators upon any dispute laid before them, then the judge shall decide, and such decision shall have the same effect and force as though it was the decision of the majority of the Board.

Each Board shall fix the manner in which their votes shall be given, whether by ballot or otherwise.

If the party against whom the decision is given shall not, within days, carry out such decision, the Board shall proceed to enforce it, by the power and authority given them by the Act.

The Second Board.

I would advise that in all districts where Local Boards of Arbitration are appointed, that a second Board should also be established. This Board should be elected for three years, and should be composed of six masters or their agents, and six workmen; the masters or their agents to be appointed by the masters, and the workmen by the workmen. Such elections to be made at meetings specially convened for that purpose, such meetings to be called by advertisement, or by such other means usually adopted in such districts in calling vestry or other towns meetings.

Each member of this Board shall represent his own particular trade, or branch of trade, as, for instance, a worker of metals, another of wood, a third of leather, a fourth from the building trades, a fifth from the textile manufactures, and a sixth from the engineering or other trades, according to the peculiar local nature of the trade and manufactures.

This Board should have the power of appointing the clerk of the judge, bailiff, and other officers. Each local Board should report to them the disputes which they are called upon to decide, the nature of their decisions, and the names of the disputants, with other particulars; a record of such cases should be kept by this Board for reference. All applications calling upon any Local Board to arbitrate upon any cases of dispute, should be made to the Clerk of the General or Central Board, who should at once issue the necessary summonses to ensure the attendance of the party complained of, with the required witnesses. This Board should also have power to make bye-laws, rules, and regulations for their own and the public convenience, and such other purposes as might be deemed necessary. They should, in all cases of dispute, be ready to give their advice and assistance to the employer and the employed; and by such advice and conciliatory assistance, if required, endeavour to adjust disputes, without the expense, inconvenience, and trouble of calling out the arbitrators. They should also inquire into, and report to Parliament, the physical evils which attach to various kinds of labour, such as injuries arising to workmen through defective scaffolding, vaulting, or shoreing; defective protection against dangerous mechanical operations by hand, machinery, or otherwise; through explosions of steam, fire-damp, or other causes; through extreme bodily efforts in carrying heavy weights; through ill-ventilated workshops, or other places by over-crowding; by acid or poisonous vapours inhaled in manufacturing processes; by the admixture of dust, grit, lead, or fluff, inhaled into the stomach; also through exposure to extreme heat and cold, deprivation of light, and other causes tending to the injury of health, and the shortening of human life; and, generally, into the social, moral, sanitary, and educational condition of the people employed in each of their respective districts; and further, they should be consulted upon all Bills brought before Parliament relating to masters and workmen.

Appendix, No. 3.

PAPER delivered in by *Gilbert Lindsay Molesworth*, Esq., 13 March 1856.

Appendix, No. 3.

Manufactures, &c. in which large bodies of men are employed.

Metals.

*Engineers.
*Machinists.
Chain and Anchor Works.
Tin Plate Workers.
*Smiths.
*Turners.
*Foundries.
Iron Bedstead Makers.
*Coppersmiths.
*Brass Founders.
*Wire Workers.
*Steel Refiners.
Bronzists.
*Iron Ship Builders.
*Cutlers.
File Cutters.
Type Founders.
Nail Manufactories.
Steel Pen ditto.
Pewterers.
Plumbers.
*Corrugated Iron Works.
Brass Tubes.
Galvanized Iron Works.
*Iron Works (Rails, &c.)
*Zinc Works.
*Millwrights.
*Pins and Needles.
Saw Makers.

Stuffs and Textile Fabrics, &c.

Braid, Fringe and Tassels.
Floor Cloth Manufactories.
*Flannel ditto.
*Cloth ditto.
Waterproof Fabrics.
*Fustian.
Tanners.
Dyers.
Drysalters.
*Calendrers.
*Calico Printers.
*Bleachers.
*Ribbon Manufactures.
Felt Manufactures.
*Flax.
*Cotton.
*Silk.
Velvet.
*Carpet.
Worsted.
Tape.
*Weaving (various).
*Hosiery and Lace.
Muslin.
Wadding.
Hat Manufactures.
Millboard.
*Paper Manufactures.
*Papier Maché.

Chemical and others.

*Alkali Works.
*Acetic Acid.
*Vitriol.
*White Lead Works.
*Various Chemical Works.
*Alum Works.
*Brewers.
*Glass Works.
Gutta Percha.
*Candle Makers.
*Gas Works.
Gunpowder Mills.
Distillers.
Cement Works.
Lime Burners.
*Soap Works.
Whiting Manufactures.
Starch.
*Sugar Refiners.
Chocolate.
Glue.
Oil Mills.
Naphtha Works.
Size Manufactures.
Salt.
Mustard.
Pitch, Tar, and Rosin.
Asphalte.

Various.

Plate Glass.
*Hardware Manufacturers.
Wood Converting Works.
*Saw Mills.
*Wheelwrights.
Musical Instrument Makers.
Button Manufactures.
Potteries.
*Flour Mills.
*Coopers.
Curriers.
Rope Makers.
Statuaries and Marble Works.
Paint Manufactures.
Sail Makers.
*Ship Riggers.
*Stoneware Drain Makers.

Trades.

*Masons.
*Sawyers.
*Bricklayers.
*Carpenters and Joiners.
*Slaters.
*Cabinet Makers.
*Plasterers.

Mines.

*Collieries.
*Salt Mines.
*Ironstone.
*Copper.
*Lead and others.

Labourers.

*Agricultural.
*Railway.
*Canal.
*Engine Drivers.
*Brickmakers.
*Carriers.
*Bargemen.
Slate Works.
*Quarrymen.
Wellsinkers.
Paviors.

Note.—The Asterisks* denote those which are most affected by strikes or disputes.

Appendix, No. 3.

MANUFACTURES, &c. in which the number of Workmen is comparatively small.

Britannia Metal.	Marble Paper Makers.	Packing Case Makers.
Buckle Manufacture.	Emery & Sand Paper do.	Catgut Makers.
Hook and Eye ditto.	Japanners.	Lucifer Match Makers.
Musical Instruments.	Pocket Book Manufactures.	Firework ditto.
Silversmiths.	Tarpaulin and Tent Makers.	Soda Water Manufacturers.
Die Sinkers.	Veneer Works.	Isinglass and Gelatine.
Engravers.	Tracing Paper.	Looking Glass Makers.
Surgical, Mathematical, and Optical Instruments.	Coach Makers.	Maltsters.
	Boat Builders.	Manure Manufacturers.
Electro Gilding and Plating.	Black Lead Pencils.	Sealing Wax and Wafer.
	Basket Makers.	Tobacco and Snuff Mills.
Gun Manufactures.	Comb and Tortoise Shell.	Treacle Boilers.
Lamp ditto.	Broom Makers.	Sadlers, Collar Makers, and Harness Makers.
Gold Beaters.	Toy Makers.	
Locksmiths and Bellhangers.	Cork Cutters.	Bedding Manufactures.
Metal Perforators.	Lapidaries.	Glaziers.
Refiners.	Cane Workers.	Trunk Makers.
Military Accoutrements.	Carvers and Gilders.	Painters.
Mother of Pearl Workers.	Organ Builders.	Quartz Crushing.
Ormolu Workers.	Patten and Clog Makers.	Timber Preserving.
Tinfoil Workers.	Pianoforte Makers.	Rule Makers.
Bookbinders.	Fire Engine Makers.	Umbrella Manufactures.
Embossers.	Undertakers.	Terra Cotta Works.

Appendix, No. 4.

PAPERS delivered in by Mr. *William Newton*, 15 April 1856.

LETTER from the MEMBERS of the AMALGAMATED SOCIETY OF ENGINEERS, MACHINISTS, &c., to their Employers. Appendix, No. 4.

Gentlemen,

THE Executive Council of the Amalgamated Society of Engineers, Machinists, Millwrights, Smiths, and Pattern Makers, wish to address a few observations to you upon the practices of piecework and overtime, which they have come to a resolution to abolish.

The Executive Council, in taking this course, have not the slightest intention of unwarrantably interfering with, or attempting to dictate to employers. They have only in view the performance of their duty as the guardians of the interests of the members, and the organ through which the voice of the trade expresses itself, and they trust that what they have to say will be interpreted in the amicable spirit which animates them.

So far, indeed, from the discussion of these questions, if properly considered, having a tendency to create angry feelings, we believe that their satisfactory adjustment is of equal importance to both employers and workmen, and that each party should be anxious to see them equitably settled. We believe, too, that the present time is peculiarly fitted for the discussion of such questions, as is shown by the interest evinced in them by the public at large, and the general desire which exists among all classes to shorten the hours of labour.

In addressing gentlemen in your position, it is not, of course, necessary for us to elaborate thoughts with which you must be to the full as well acquainted as ourselves; all we need do, is to state the simple facts of the case, and leave them to your consideration.

We would say, then, that overtime is injurious to employers, because it is the dearest possible way of doing the work that is to be done. Not only is the rate of payment for time greater, but a higher price is paid to tired workmen, whose capability of work just when they should be leaving their labour is considerably reduced. Taken as a whole, we should not be far beyond the mark when we say, that work done in overtime costs nearly double that which is performed in the ordinary working hours.

Appendix, No. 4.

Beyond, however, the mere fact of men being less able to exert themselves when they are actually working overtime, the system tends to produce permanent incapability, by injuring the health of the workman, and thus making his ordinary labour of less value than it would otherwise be.

Beside this, overtime is one of the most certain causes of ignorance, by preventing men who leave their beds to work, and leave their work to sleep, devoting any portion of their time to the cultivation of their minds. Every employer knows that it is better to have intelligent men than ignorant ones, for, independent of the former being more tractable and trustworthy, the intelligence they must bring to their work increases their value.

We have as yet said nothing of the system of piecework, but it must be obvious that most of the reasons applying to overtime are capable of being urged against it. Whatever evils spring from men working longer hours than is consistent with their health or moral well-being, spring from piecework to the full as much as from overtime. By it men are incited to work as long as exhausted nature can sustain itself, and in addition it leads them to hurry over their work, and leave it imperfectly finished when defects may be concealed.

We would hope, however, that irrespective of the considerations springing from these facts, and which merely affect the interests of employers, we may enlist your sympathies on higher grounds. We would appeal to those feelings which dignify and ennoble our common humanity, to induce you to give up something of mere gain, if need be, in order to elevate the condition of your workmen. For that, however, there is no necessity. In this instance at least, benefit to yourselves and benevolence to your workmen go hand in hand, and we beg that you will serve at once your own cause and that of your workmen, by intimating to us that we need not fear your opposition, but rather may reckon on your support in this effort to deal with the questions of piecework and overtime.

Entertaining these views, and actuated by these motives, the Executive Council have decided to advise the trade generally to discontinue the practices of systematic overtime and piecework after the 31st of December 1851, and in those cases where overtime is really necessary, in cases of break-downs or other accidents, all time so worked over to be charged and paid for at the rate of double time.

I am, &c.
(signed) *Wm. Allan*,
General Secretary.

London, 25, Little Alie-street, Whitechapel,
24 November 1851.

"Central Association of Employers of Operative Engineers,
"Sir, "30, Bucklersbury, London, 6 January.

"Your letter of yesterday, stating that you had been informed this committee were desirous of seeing a deputation of workmen, having been considered at the ordinary meeting this day, I am directed to state, that whilst the individual members of this association are always ready to receive any communication from the workmen in their respective establishments, they cannot recognise the Executive Council of the Amalgamated Society as the proper channel for effecting any arrangements between themselves and those in their employment; this association having been formed for the express purpose of defending themselves and their well-disposed workmen from the dictation and pernicious interference of the council you represent.

"I am, &c.
(signed) "*Sydney Smith*,
Secretary.

"Mr. Wm. Allan, Secretary, Amalgamated
Society of Engineers. &c."

Extract from the "Times," Saturday, 17 January 1852.

THE ENGINEERS' STRIKE.

To the Editor of the Times.

Sir,

May I beg you to insert in your paper a letter addressed to me by Lord Cranworth under the following circumstances?—

I received on Thursday, the 8th, a letter asking me whether I would act as an arbitrator between the operative engineers and their employers. I wrote in answer, that I should be ready to do anything which would tend to produce a reconciliation, but I doubted whether arbitration

arbitration were the right issue at present. On receiving a second letter on Saturday, I hastened at once to London, and proceeded to consult Lord Cranworth, whom, as I was told, the operatives had desired to place at the head of a council of arbitration for the decision of the questions now unfortunately at issue.

I found him engrossed by the duties of his high office, but, on learning the object of my visit, he set aside all other business to devote his whole mind to its consideration.

The result is best shown in the enclosed letter.

I received from him permission to make use of it at my discretion.

My first act was to communicate it to the Executive of the Amalgamated Society; but I could not expect them to give it publicity. It was not, indeed, without some repugnance on my own part that I brought myself to employ it in a manner opposed to the present views of those who had induced me to act; but my doubts were removed when I came to reflect what sufferings the operative engineers were about voluntarily to impose on themselves and their families, for the single purpose of obtaining what they regard as justice for their class—what Lord Cranworth pronounces to be injustice for all.

Before these sacrifices are actually made by a gallant band of men, in a spirit of heroism, to what I cannot but conceive to be a mistaken sense of right, I desire to put before them the impartial and disinterested testimony of one to whose enlightened arbitration it had been the wish of their leaders at one moment to appeal.

It is with this view that I now request you to give it a place in your columns.

I have, &c.

London, 15 January. (signed) *Ashburton.*

Extract from the "Morning Herald," Monday, 19 January 1852.

THE ENGINEERS' STRIKE.

Lord Cranworth's Opinion.

"Dear Lord Ashburton, "40, Upper Brook-street, 10 January.

Since I saw your Lordship this morning I have been thinking more and more of the unfortunate matter to which our conversation referred. I confess it is one which gives me great pain, and the more so, because I cannot but come to the conclusion that the men are in the wrong. The masters have greater wealth, and perhaps, therefore, greater instruction, if not greater intelligence, on their side. I wish, therefore, not unnaturally, that in talking over the matter with you I could take the part of the weaker body; but I really cannot.

"The points on which the men insist are, first and mainly, that the masters employ unskilled labourers, *i. e.*, labourers who are content to accept low wages to do a part of the work heretofore done by skilled, *i. e.*, by comparatively expensive labourers; and, secondly, that they get a portion of their work done by contract with persons who perform their part of the contract by employing the workmen to do by piece or task work what they have contracted to get done; and, lastly, the men insist that, unless on occasions of special emergency, the masters ought not to get work done by employing workmen overtime, *i. e.*, at hours beyond the ordinary hours of work.

"Now I confess that, on all these points, I think the men are entirely in the wrong. The masters ought surely to be at liberty to employ whomsoever they may please for each and every portion of the work. If it is the work only to be done well by skilled workmen, they must employ skilled workmen, and, unless they do so, the work will be badly done, and the masters will be the sufferers. If it is not work requiring skilled workmen, on what possible principle can the masters be called on to employ them? The master ought to be at liberty to employ whom he may choose. Of course, the workman must equally be left at liberty to accept the terms offered by the master and work, or to reject those terms and abstain from working. Both parties ought to be left at perfect liberty to do what they think most for their own interest. So as to piecework and work overtime; all the relations between employer and employed are or ought to be those of contract between two perfectly free agents. The master may propose whatever terms he chooses, the workmen may accept or reject those terms. In such a case of things, when there are no combinations on either side, the result must eventually be fair and just to both sides. If the master proposes what

Appendix, No. 4.

is harsh and unreasonable, he will get no workmen to work for him. If, on the other hand, a workman insists on terms which fetter the master, the master will not give employment, and the workman will be unemployed.

"The misfortune is, that in these disputes between those who work and those who employ workmen things never are left to take their natural course, *i. e.*, the course they would take if each dispute was merely an individual dispute. Both sides avail themselves of the privilege which the law gives them of combining. I believe the law has done wisely in allowing these combinations. It is never politic to prohibit by law that which certainly will exist whether tolerated or not. But the misfortune is, that in the game (so to say) of combination, the workmen always eventually fail; they begin with the fairest and most honest intentions; they have not the least notion of putting in operation against their employers, or against any of their own body, anything like physical force. They think the justice, or that which they consider to be the justice, of their cause will, by its moral influence, operate on the minds of the masters, or else that the inability to obtain workmen will drive the masters to accede to the proposed terms. But the truth is, that in all such combinations the masters have an immense advantage over the men. The worst that can happen to them is, that capital is for a season unproductive. The reason for their insisting on perfect freedom on the disputed points is, that they think that without such freedom they could not make their capital adequately productive; and so they are content to let it be altogether fruitless for a time, in the hope of a brighter future. There is no chance of any violation of the law on their part, and they are, therefore, content to bide their time. But how is it with the men? With them what is left unproductive is not a capital on which they can at a pinch draw for subsistence; it is the labour which is their only wealth. When that is unproductive they can only look for support from funds to be supplied by others, and of necessity those supplies are in time furnished grudgingly. Then come jealousies and alarms; some are incited to acts of outrage towards their employers; others are induced (forced, if you will) to quit their own party and seek employment; this leads to acts of injustice and even outrage among the workmen themselves, and, in the end, the masters triumph.

"I feel most deeply for the men, for I believe in my conscience that many, perhaps all, not only are most fully persuaded they are in the right, but they would scout the notion of offering or encouraging those who should offer violence either to master or man. But, however pure and peaceable may be their intentions, I know from experience what is the unavoidable result. It has been my painful duty to try and punish for outrages, such as I have adverted to, many men who, I have no doubt, when they entered into these trade combinations, would have been indignant with any one who should have suggested that what they were engaging in could ever lead to a violation of the law. So, however, it invariably is. I cannot wonder that the masters refuse to agree to any arbitration that is to impose on them any restriction whatever as to the terms on which they are to contract with their men. No one ought to presume to define such terms any more than to bind the men as to the terms which they ought to submit to in favour of the masters. The obvious duty and interest of the men is to treat the matter as a mere question of bargain. If once they do that; if once they allow that the master is at liberty to propose his own terms, and the workman to accept or reject them, I should think the masters would, I am sure they ought, to be quite ready to listen to any suggestions of the men as to any modifications of the system which should be more agreeable to them, without infringing on the free agency of their employers. I fear from what has passed that there is too much heat now to expect that any temperate advice will be attended to. Sure I am that a time will come when the workmen will deeply regret the steps they have taken if they really are endeavouring by combination to deprive the masters of their natural right of managing their own business in their own way. I deeply feel for the men, and I should have been very glad if we could have seen our way to suggest any sort of arbitration which could solve the difficulty, but I really cannot.

"I recollect you said the men think there ought to be some tribunal who should decide this question between them and their employers, and that such is the case in France. I cannot say what may be the state of the law there, but I can hardly think it possible that there can be a law regulating what contract a master shall enter into with his men; that is not a fit subject for a tribunal or an arbitration, and for this obvious reason—the master, after the decision given, has only to say, 'I will not enter into such a contract;' no one can force him to do so. When, indeed, the employed is not a free agent, not therefore an equal with the employer, as, for instance, a child or a woman, there we know the Legislature has reasonably enough interfered. But I should be sorry indeed to think that the adult workmen of this country should claim protection on any such ground as that which has led to the legislative protection of women and children in their dealings with their employers. I wish I could have written more satisfactorily. I promised you to make any suggestions which might occur to me, but in truth I can think of none. I only heartily hope that the men may not take a step so very injurious to themselves as that which the aspect of affairs seems to threaten.

"Believe me, &c.
(signed) "*Cranworth.*"

The

The following communication from Viscount Goderich, in reference to the above letter, was received at a late hour on Saturday night, by the secretary to the Amalgamated Society :— Appendix, No. 4.

"Gentlemen, "7, Old-square, Lincoln's-Inn, 17 Jan. 1852.

"Lord Cranworth's letter to Lord Ashburton, published in this day's "Times," may do your cause some harm, as it is grounded on a misapprehension of the facts of the case.

"As we were the persons whom you trusted to lay the question of arbitration before Lords Ashburton and Cranworth, it was our duty to take care that they understood clearly the points at issue, and what you really did ask.

"Now, Lord Cranworth says, 'the men insist that the masters shall not employ unskilled labourers.' We can only say that when we made the application to Lord Ashburton, we knew perfectly well that you made no such demand as this.

"Again, we know perfectly well that you did not ask for a law compelling masters and men to submit to any arbitration whatsoever. What you did ask for was the formation of such a board as exists in France under the title of 'Conseil de Prud'hommes,' to which any master and men who chose to submit voluntarily to its jurisdiction, and bind themselves to abide by its decisions, can refer all disputes between them; and you told us you felt sure that all masters and men who wished for fair play and nothing more would be glad to submit voluntarily to such a tribunal as this.

"As your case, through our means, has been put on false merits before the public, we think that you are entitled to this statement from us, and shall leave it with you to make what use you please of it

"Yours faithfully, &c.

(signed) "*Goderich.*
"*Thos. Hughes.*
"*A. Vansittart.*

"To the Executive Council of the Amalgamated Society of Engineers."

In reference to the subject of the above letter, Mr. Allan, general secretary, states that Lord Cranworth was never appointed or selected as an arbitrator by the executive council; that he never heard the evidence; that, in fact, he refused to accept the office of arbitrator; and that the conclusions he has come to rest upon a view of the case which includes demands never made by the executive council, and which are opposed to the opinions of Mr. Allan and his colleagues. And Mr. Allan adds, that, if an arbitration can be agreed on, the council will bow to its decision; but it must be an arbitration taking into account the real facts, and not assuming that the council asks for the discharge of unskilled labourers, or the equalising, fixing or increasing of the rate of wages.

Extract from the "Morning Herald," Wednesday, January 21, 1852.

THE ENGINEERS' STRIKE.

The Masters' Statement.

The following is the representation of the case issued by the executive committee of the Central Association of Employers of Operative Engineers, &c.:—

"On Saturday the establishments of all our members were closed. The conditions of an honourable pledge to each other have been faithfully fulfilled; and masters and men, free of their mutual engagements, will be once more called upon to settle the conditions of any new contract into which they may find it for their reciprocal interest to enter.

"The step which we have adopted, with regret, made all the more acute by a sense of the hardship it will inflict upon the innocent and the deserving, entails upon us all a certain heavy loss. We are reluctantly reconciled to it by the conviction, maturely weighed, and

Appendix, No. 4.

painfully arrived at, that our well-disposed workmen had better patiently bear a present burden, than linger under a permanent oppression; and that we ourselves can only arrest the encroachments of irresponsible dictation, and the gradual but certain progress of that spirit of exaction to which we have already, from motives of conciliation, too easily yielded (to the injury of our trade, and the certain ruin of the operatives, at whose instance unwise concessions have been too readily made), by taking our stand at once, and coming to a reckoning now and here.

"All we want is to be let alone. With less than that we shall not be satisfied. Until we accomplish that, we shall not re-open our establishments. With every respect for noble and distinguished referees, whose arbitration has been tendered to us, and with no reason to doubt that their award would be honest, intelligent, and satisfactory, we must take leave to say that we alone are the competent judges of our own business; that we are respectively the masters of our own establishments, and that it is our firm determination to remain so. To this principle we recognise no exceptions. We should as little dream of permitting each other, as a common neutral stranger, to lay down the rules by which we are respectively to manage our individual affairs. Ours is the responsibility of the details; ours the risk of loss; ours the capital, its perils, and its engagements. We claim, and are resolved to assert the right of every British subject, to do what we like with our own, and to vindicate the title of our workmen to the same constitutional privilege. Artisans and their employers are respectively individuals—each legally capable of consent—each severally entitled to contract. Our agreements for their service are made with them in their separate, not in their aggregate capacity. They have labour and skill to sell; we have capital to employ it, and to pay it. Who, then, or what, should stand between these two single parties to a lawful bargain, and dictate to the buyer what he should give, or control the seller in the condition of his service? In the most literal sense we are the customers of the working classes; and the interference of self-constituted arbiters with the internal economy of our establishments is not less preposterous than would be a command from our baker as to the number or the price of loaves we should consume; or a mandate from our butcher as to when we should dine and what should be the meat. We altogether ignore the proposition that we should submit to arbitration the question, whether our own property is ours, and whether we are entitled to be the masters of our own actions.

"Our business renders us more obnoxious to strikes than any other, and renders precautions against them more imperative. To heavy expense of our machinery and tools, and the peculiar character of the work we produce, render overtime, piecework, and irregularity of employment an unavoidable and certain incident of our calling. We cannot, like the spinner, the weaver, or the cloth-worker, manufacture on speculation, and produce without order, certain that ultimately the article will be required, and must always be in demand. The same yarn will weave to any pattern, the same cloth will fit any coat; but we can only produce to order, and we must produce our commodity when it is ordered. Our customers require all their purchases for a special purpose, and at a particular time. Perhaps they are useless to them unless supplied when stipulated; certainly they will cease to employ us if we fail to finish to our time. Belgium and Germany are not far off. Piedmont and Switzerland are quite within competitive distance. The United States begin to manufacture for themselves, and even to meet us in neutral markets. France, but recently our largest customer, is now our most formidable rival, and, in spite of her disadvantages in reference to the raw material, almost entirely supplies her own demand. If we are to enjoy an equality of advantages with our competitors in the common market of the world, we must consent to bind ourselves to complete our contracts on a day early and certain. Shortsighted unionists, aware that we work against time, some of us under actual penalties, all of us under peril of the loss of trade if we fail in punctuality, induce the men, when the master is in his greatest difficulty, to take advantage of his necessities to wring from him humiliating and unjust concessions, which leave him without profit, or threaten him with loss. Afraid to subject himself to the repetition of practices which present to him only the alternative betwixt heavy fines for failure of contracts, or loss of business character, and exorbitant remuneration for inferior skill, the master declines otherwise profitable orders, draws his operations narrower, and diminishes the demand for labour; and this dread, spreading generally through the trade, and too amply justified by offensive interference forced upon every master, induces a universal disposition to decline the most valuable custom, and thereby seriously to depress the business and circumscribe the employment of the country.

"It will readily occur to all who have the slightest acquaintance with commerce, that production carried on almost entirely to order, and limited as to time in its completion, cannot be conducted without overtime, in a great measure as systematic as the punctuality of the time orders received; that as masters are taxed from 25 to 50 per cent. more for the extra hours, when the service is least valuable, nothing but necessity would induce them to adopt the practice; that, from the very nature of mechanical operations, which are almost as dependent on each other, and as successive in their processes, as the inanimate machinery they fabricate; the non-completion of one article may keep many persons idle, who are waiting to complete some department of machinery to which the former is indispensable and that, as the machinery and tools used in engineering involve vast outlay of capital, the only option left to the employer is to work one set of tools beyond the usual hours of labour or to erect another set at an exorbitant expense, which, even if it would serve the same purpose, which it could not, must come out of the price of the work it executes; in which case,

demand

demand is discouraged, and customers are driven to foreign markets, and, by their withdrawal, the demand for employment is destroyed.*

"It is under these circumstances that the employers in Lancashire and in London have, by pre-concert, simultaneously received notice from the ostensible representatives of 15,000 of our artisans that 'they have come to a resolution to abolish the practices of overtime and piecework;' and in 'those cases where overtime is really necessary, in cases of break-downs or other accidents, all time so worked over to be charged and paid at the rate of double time.' The true intent and meaning of these conditions is this: that where a master sustains the heavy loss of breaking a highly expensive instrument, he shall, in addition to his misfortune, be fined by our artisans double wages to repair it, although the earnings of perhaps a thousand of their fellow-mechanics may depend on the immediate resumption of its working. For the protection of our customers, there is no sacrifice which we will not cheerfully bear rather than submit to this extortion.

"Many of ourselves have traced their rise from the condition of the employed to that of employers to the opportunities afforded by piecework, which enabled them to become small contractors, and thereby to avail themselves of the rewards of their directing skill. As it is the fairest and least fallible test of the value of labour, and best enables the master to make his estimates with security, so it is the line which measures off the expert and industrious workman from the lazy and unskilful; and above all, it is the lever by which patient merit and superior intelligence raises itself above the surrounding level, and enables society to reward and to profit by mechanical genius and energy as well as respectability of character. All classes, in nearly every avocation, have occasionally to work overtime—the Prime Minister perhaps the most—the successful physician, or the greatest lawyer the most slavishly. But men of any merit voluntarily set the task to themselves; those of the mechanic class earnestly desire it; and so far is either that or piecework from being regarded as an oppression, our experience as masters is, that in the eyes of mechanics, as a body, it is viewed as a positive objection to an establishment that it does not afford opportunity for working overtime. The real objection to piecework, we fear, is, that it protects the masters against those who are indisposed to give a fair day's work for a fair day's wages.

"Another requisition has been served upon the Lancashire employers which has not upon the present occasion been extended to those of London. A demand has been made for the dismissal of labourers from self-acting machines, and the substitution of mechanics, at higher wages, to perform operations in which no skill can be exerted, although, to suit the purposes of those who issued this imperious edict, it is now disclaimed. The signature of 'W. Newton,' to the notice on Messrs. Hibbert & Platt, and of 'W. Hemm,' to that left with Messrs. Parr, Curtis, & Madeley, which can be supported by many other cases, render the renegation a mere wanton act of purposeless, because abortive, misrepresentation.

"These extraordinary interpositions of self-constituted dictators of the rules which are to guide the management of our establishments, have indeed been perpetrated on the plea of progressive philanthrophy and a desire for moral improvement; but a reference to the 'Rules and Regulations of the Amalgamated Society,' by whose interference they have been preferred, strips this pretext of every claim to any other character than that of very clumsy, because ill-concealed, hypocrisy. Prefaced by the very becoming, but scarcely very apposite sentiment, that 'All men are brethren,' and followed up by the very much more appropriate aphorism for a conspiracy and combination against individual rights and liberty of action, 'United we stand, divided we fall,' it observes, 'if we should be constrained to make restrictions against encroachments on our interest by those who have not earned a right by a probationary servitude, we do so, knowing that such encroachments are productive of such awful consequences to a trade, if left unchecked. It is our duty, then, to exercise the same control over that in which we have a vested interest, as the physician who holds his diploma, or the author who is protected by his copyright.' After proposing 'a well-regulated organisation to prevent a surplus labour in our trade'—a hint that the great influence of the associates 'must be used for our members'—that those only who support them will be supported, and that all independent workmen who do not belong to the society will find themselves in an 'isolated position,' (which, in the annual report of the 20th of December, is by implication made to mean that virtually every vacancy in any establishment shall be filled up only by society men), the following extract lays bare the whole secret springs and governing principles of the present movement:—

"'RULE XXIII.

"'1st. Systematic overtime and its discontinuance. 2nd. Piecework, &c.

"'Sect. 1. That in order to secure to our members a general prospect of employment, we repudiate 'systematic overtime' as being the cause of much evil, through giving a number the privilege of working more than a legitimate week's time, whilst doing so deprives other members

* Many illustrations will occur to the professional reader of the impossibility of procuring a substitute for, or dispensing with, the use of overtime in a trade which is so peculiarly dependent for orders on season and punctuality. Railway engines must be supplied to time, to prevent the confusion of the whole public arrangements; and as the nature of the work will not admit of the access to it of more than a certain number of hands, it is impracticable to avoid irregularity or protraction of the hours of labour. Proprietors of steamers on the Rhine, the Thames, or the Clyde, must have new steamboats ready before the travelling season, else the profits they would earn would be lost, and the order, therefore, would not be given except under obligation to complete the vessels in proper time, which may only be possible by working over-hours. Whole fleets of steamers may be damaged by winter storms, and to despatch mails with punctuality the repairs must be pressed forward night and day.

Appendix, No. 4.

members of situations, producing much domestic misery, and causing a great expenditure of the society's funds. We therefore authorise the executive council to take steps for its immediate discontinuance by . . . . issuing a general order for all districts simultaneously to adopt this resolution. Any member refusing to comply with this resolution renders himself liable to be excluded.'

"On the platform it was convenient to represent the abolition of overtime as an emancipation from oppression. In the rule, it is honestly described as a 'privilege.' In the address to the employers it is called for as an eager aspiration of mechanics, anxious for their moral progress and mental improvement. In the code of the society it is demanded as a means to equalise the market of employment—or, in other words, the wages of labour—and to save the society's funds; a motive we had understood to be too sordidly commercial, and partaking too deeply of the 'mere Manchester school of cold-blooded political economy,' to weigh with the executive council.

"The second section of this chapter of the regulations very plainly asserts every principle or object which the council find it now convenient to disclaim:—

"'Sect. 2. That the same steps (that is, a peremptory order, to be obeyed under pain of expulsion and forfeiture of deposits) be taken to abolish piecework, to destroy the practice of working more than one lathe or machine, to prevent a greater number of apprentices or admissions into our trade than are likely to find employment therein—apprentices to be in proportion of one to four journeymen; and to assimilate the number of working hours in each district, so that . . . if circumstances require a further reduction of the hours of labour, such may be accomplished;' and it has only to be added, that by Rule 36th, 'Any member divulging anything relating to the society's business, except to a member or members, shall be fined 2*s.* 6*d.*,' in order to complete the exposition of the true nature of this conspiracy of many enthusiasts and some impostors to betray the unsuspecting artisan into the conversion of a benefit club into a secret society, its objects into those of realising a 'New Moral World,' the 'organisation of labour,' and an experiment of the dreams of Louis Blanc, embracing the visions of Owen, without their catholicity, and the extravagance of Fourrier, leavened with a selfishness of which his benevolence would have been ashamed.

"All this, however, is but the final development of action upon a settled system, by the self-same parties, which took its rise about the period of the outburst of the French Revolution of 1848, in a Central Committee of Operative Engineers, which was merged in and amalgamated with the present society.

"In a letter from W. Davenport, then secretary of that body, dated the 30th of November 1848, to an eminent firm, he very coolly thus interposes his voluntary authority:—'It having been represented to us, by some of your workmen that certain persons are employed as engine-fitters in your manufactory at who have not served a legal apprenticeship to the trade, this practice most of your workmen employed there think would be abolished if you were made acquainted with it; so also does the committee, (!) as we feel sure that you will see the injustice of employing or training up men to a business, when others who have spent a portion of their lives serving an apprenticeship, with the hope of getting a livelihood thereby, are now in want of employ,' and for whom the only legitimate conclusion is the writer requires room to be made at the expense of the dismissal of the others.

"On 1st of December 1848, the same committee address their employers on 'systematic overtime,' as 'enabling a few to monopolise more than a fair proportion of labour, whilst others are perambulating the streets, wanting such labour . . . and the more equally labour can be distributed amongst labourers, is their condition made more consonant with comfort and happiness. So far from the practice being regarded as oppressive or demoralising, the address takes credit for the greatest 'disinterestedness of a many, expressed in this their desire to sacrifice some portion of their present earnings in favour of workmen more unfortunate than themselves.'

"On 23d of August 1849, the hands of another firm, headed by the chairman of the Executive Council, demanded a rise of wages, 'as the generality of the trade in this district are seriously dissatisfied at thus continuing under such disadvantages;' and on the 29th, Mr. W. Newton, and a deputation from the central committee, asked an interview on the subject. On the same day, W. Newton, secretary, posts printed notices throughout the country, 'advising workmen not to accept situations if offered unless 33*s.* per week be guaranteed at least,' in 'consequence of a dispute respecting wages at Messrs. ———'s, and on the 1st of September, W. Newton, secretary, calls a public meeting at his own tavern, the Phœnix, to 'advise workmen from the country not to be allured by the offer of employment.'

"On September 29, he reports that the committee advised ———'s 'workmen to ask for more money;' 'all did so, and left;' 'but we are sorry to complain of four or five individuals, who refused to follow that simple advice. . . . Of course no further confidence could be placed in them, and from that time they were never more treated with, but left to the dictates of their own evil wishes. . . . The following week our advice extended to the whole of the workmen who were receiving 30*s.* and under that they should ask for more money'—without any inquiry whatever whether they were worth more or not.

"'In

" 'In order to ascertain what wages were paid them, we requested them to meet us on the Saturday evening, and present their tickets for our inspection. . . . We found about an equal number at 32*s.* and 33*s.*, and one at 30*s.*; our advice then was still in accordance with our first decision, that those under 33*s.* should ask for more the first thing on Monday morning, and if they did not get it to leave. . . . Our trade will know how to draw a distinction betwixt those who honourably stand up for its interest and support and those who receive a rise of wages as a bribe for their opposition to its wishes.'

" What the penalty is of 'opposition to the wishes' of the heptarchy reigning in Little Alie-street, Whitechapel, may be learnt from the converse of obsequious submission. Their report of 20th December ordains that, 'In all districts there is a duty incumbent on all members in employment to use their influence in their respective workshops in favour of members out of employment.' 'If our recommendations are adhered to, and our members are active and energetic in all their trade proceedings, we shall soon still further improve our condition, and make our society the real ruler of the destinies of our trade.' Couple this 'advice' with their rules, which fine every member, who, within 12 hours after knowing of or making a vacancy, fails to give notice of it to the secretary (see 'list of fines'), for seeking work before applying to the secretary, or for not calling every day on the secretary, and it will be obvious that if the foremen, who generally have the engagement of hands, belong (as they not seldom do) to the society, no man who 'opposes the wishes' of the executive council has the slightest chance of any engagement. That this great 'organisation of labour' and system of dictation and espionage may be reduced to the most perfect method, the 'members' in every factory have sent to them printed forms of returns, to be made periodically to the secretary, entitled, 'From the Central Committee of Engineers, &c., of London and its vicinity. Schedule for collecting statistical information.—M. Shop,' with columns headed 'Name,' 'Profession—whether fitter, turner, erector, pattern-maker, or smith.' What society do you belong to?' 'Whether you ever worked at this shop before, and what was the last date?' 'What wages you now receive?' 'What wages you received when here before?' Such a form, regularly filled up, with answers to the queries given in the proper columns, is in our possession. It discloses the private particulars of a firm's business, with the history and position of its artisans, and these, from every shop, inspected by the executive council, are all that are required to enable them to set their mark upon every man and every master; to pick out those who are paid less than others (because they are worth less), cajole them to join the society, force them to withdraw from their employment, and foster and foment discontent between employers and employed, wherever a weak point or a stupid or inferior workman affords the hope of successful mutiny. In the report of 1st October 1849, much self-credit is taken for having tampered with the hands of Swayne & Bovill, for administering the customary deputation on them, withdrawing their hands, and nursing the discontent of those who apparently did not discover that they were unhappy until told by the committee. Messrs. Cope & Sherwin, and Mr. Mitcham, of Greenwich, are patronisingly praised for having kissed the rod of these alguazils of industry. The 'South-Western Railway shop,' Mr. Horn, of Whitechapel, Mr. Wood, of the Strand, the 'Stratford Railway shop,' are named as the victims of their domiciliary visits. Messrs. England, of Old Kent-road, and Mr. Fletcher, of Southwark, are also mentioned as falling before the might and majesty of the deputation. Of '———'s men, who heeded not the advice of the committee,' it is very significantly asked, 'whether, even taken as a matter of advantage, it is well to offend a whole trade for the purpose of subserving the interest of such an employer?.... Punishment must and will follow, by the odium which falls upon the character of men so acting..... Their character and conduct, of course, is before the trade .... the opinions have been most severe on these men.' Thus pointed at in the report of December 1849,—marked out for the 'odium' of the trade, which artisans know, by bitter experience, means unceasing efforts to throw and keep the offenders out of employment, and to compromise even their personal safety, it can surprise no one that the report of February 1850 announces, with triumph, that 'the Manchester Society to which they belonged have recently called an aggregate meeting of their members in the district, and passed a resolution, excluding them from that society, and all participation in its benefits.'

" In dismissing the narrative part of these reports, it has only to be added, that in that of 24th November 1851, the executive council came to the resolutions as to overtime, piece-work, and double wages, announced in their address to their employers; and also declared, —'3d. That all time worked after half-past five or six o'clock in the evening, and before six o'clock in the morning, be considered overtime, excepting Saturday, when overtime commences from the termination of the usual day.' By this edict, overtime is made to signify not a surplus over a day's work, but the period after a certain hour of the evening; so that if a mechanic came to his work at one o'clock in the day, he would be entitled to get double wages for making up at night the time that he had lost by his own impunctuality in the morning. To borrow the striking observations of Messrs. Charles Walker & Sons,—'We are sorry that a society, whose views of ameliorating the condition of their own body, as set forth in their address, must be admired, should also attempt to take advantage of the employer when he cannot help himself, in 'break-downs' and accidents, by charging 'double time' for all his labour in assisting him out of his difficulty when all is loss, to make it greater by not agreeing to set the mangled limb unless they are paid double. We hope, if there be nothing expunged from their 'address' at least they will have the good taste and good feeling to remove this clause.'

Appendix, No. 4.

"The financial appendices to these reports afford revelations even more significant than the text. In juxta-position, we place extracts from the accounts of payments and subscriptions:—

EXPENDITURE:

	£.	s.	d.
Paid Mr. Flewit, who was withdrawn from Messrs. Swayne & Bovill's	9	5	2
Paid Mr. James, engineer	5	13	8
Paid Mr. Hemming	8	12	–
Paid Mr. Ravish	9	18	–
Paid Mr. Ashton	4	4	–
Paid Mr. Roser	5	2	–
Paid Mr. James	4	4	–
Paid Mr. Vine	6	12	–
Paid to Blyth's men	161	3	10
Paid to men withdrawn from South Western Railway	99	19	6
Total expenditure of Blyth's and South-Western Railway	669	6	11
Paid men withdrawn	124	16	4
Paid Mr. Simmonds, withdrawn from Messrs. Miller's	21	19	6
Paid Mr. Potts	3	4	–
Paid Mr. Simmons, Messrs. Miller	12	1	4
Paid Mr. Burrows, who was discharged from Horn's, Whitechapel	6	6	–
Paid Mr. Wickstead, ditto	–	15	–
Paid Mr. Burrow's, ditto	9	18	–
Paid to Jas. Clark, discharged from Stratford Railway Station	3	15	–
Paid Mr. Harrison, smith	9	17	–
Paid Mr. Clarke, ditto	7	10	–
Paid Mr. Stokes, withdrawn from Robinson's, Isle of Dogs	10	14	6
Paid Mr. Wray, ditto	6	6	2
Deputations to meetings and employers	6	14	6
Deputations to employers	21	11	6
Deputations	1	12	6
Deputations	–	11	–
Paid Picquets	3	–	6
Ditto Stratford	–	12	–
Ditto Blyth's	4	4	–
Ditto South Western Railway	4	19	–

INCOME:

	£.	s.	d.
Subscriptions received from the men in the employment of Swayne & Bovill	1	15	6
Ditto ditto	1	4	–
Ditto ditto	1	–	–
Blyth's smiths	–	1	–
Blyth's fitters' turners	2	8	6
Blyth's pattern-makers	–	13	–
Blyth's smiths	–	17	–
Blyth's hammermen	–	1	–
Ditto ditto	1	2	–
South Western Railway	8	9	1
Miller's new turnery	6	5	–
Miller's erecting-shop	4	8	6
Miller's old turnery	4	6	6
Miller's smiths	2	13	6
Miller's fitting	1	19	3
Miller's pattern-makers	–	14	6
Horn's, Whitechapel	1	15	3
Ditto ditto	–	16	6
Stratford committee	10	12	2
Ditto ditto	59	2	8
Steam-engine makers	1	–	–
Robinson's	2	4	8
Ditto	2	5	–
Greenwich Ironworks' apprentices	–	2	6
Penn's apprentices	9	7	3
Ditto ditto	2	5	–
Miller's apprentices	1	4	3
Greenwich Committee	29	–	6
Southwark Committee	101	13	–
East end Committee	52	18	3
Woolwich Committee	40	–	–
Stratford Committee	25	3	–
Wolverton Committee	17	–	7
Northfleet Committee	4	17	–
Bradford Committee	4	–	–
Leeds Committee	3	5	–
Oldham Committee	2	13	7
Brighton Committee	2	12	–
Bolton Committee	2	8	–
Leek Committee	2	1	–
Sheerness Committee	1	6	6
Bridgewater Committee	1	–	–
Smethwick Committee	–	10	–
And nine other large towns, in all parts of the kingdom; and from the shops of 100 metropolitan firms not enumerated.			

"In a single year this Amalgamated Society has added 10,000 to its members. It will be seen that it draws voluntary eleemosynary subscriptions from every quarter of the country, for the purpose of 'withdrawing men from employers,' 'advising' them that they have too little wages, and to demand more, on the assurance that they will support them on strike, should they have the 'spirit' to 'ask for more.' It will also be marked with surprise and alarm, that a master's own hands take his money to apply it to swell the fund by which he is to be reduced to submission; and that his own apprentices, bound by their indentures to disclose everything to his hurt, and to render true and faithful service, are corrupted, by older heads and more crafty plotters, to turn against their master.

"But this committee point with a deeper sense of regret and humiliation to the charges in the foregoing account for 'picquets.' These are neither more nor less than artisans, hired by voluntary subscription, to become spies upon their brother mechanics; to dog their steps; to threaten, intimidate, and report to the central inquisition, in Little Alie-street, Whitechapel, who, under the protection of that rule of their institution which makes them a secret society, deal out their vengeance upon recalcitrant masters and recusant workmen. From these un-English practices come those secret conspiracies which have been too often brought to light to maim or murder, sometimes even for hire, those who do not implicitly obey the irresponsible cabal who plot their mischiefs in security.* 'Our gates,' observe an eminent

* The late trials at York, and the less recent prosecutions at Glasgow and Manchester, too amply warrant these conclusions.

eminent firm (13th September 1849), 'have been watched daily by four or five persons, who have declared their object to be to persuade our men to leave, and to prevent others applying to us for employment.' Other masters can speak to the same appearances, and, unfortunately, the well-disposed workmen themselves much more frequently experience the thraldom of these 'picquets,' and quail under the terror of their threats, until they are intimidated into the ranks they would fain avoid.

"Such are a few of the facts which form the thread of this history of selfishness, dictation, eavesdropping, and tyranny, from its origin in the various unions up to its consummation in the Amalgamated Society, and those of their proceedings which have been the proximate cause of rendering this association of masters essential to the protection of their well-disposed workmen, to the preservation of their own rights, and to the vindication of the independence of both.

"A plan so deeply laid and steadily pursued, so extensively eliminated and widely supported, for making these combinations what those who conspire to effect them call them, 'the ruler of the destinies of the trade,' must either be frustrated, and its authors subdued, or they will subdue us. Their organisation and machinery are so complete, their members are so vigilant, and their principles are so captivating to a large class of inefficient or visionary workmen, whose sole object is to solve the problem of procuring the greatest amount of pay for the smallest quantity and worst quality of work, that they threaten to enmesh and absorb the great mass of the operatives by that 'organisation of labour' which consists of an appropriation of every vacancy in employment to their own body, a jealous exclusion from the common privileges of labour of all who are not 'legal' members of their craft, and a vigilant tyranny over, and stringent intimidation of, all who presume to indulge in the luxury of independence. It will be seen that the shipwrights on the Wear are at this moment out on strike, chiefly on the simple ground of their masters venturing to assert their right freely to make their own contracts, and for refusing to dismiss their labourers and to engage artisans to perform work that does not require skill. The evil, wide-spread and deeply rooted, is not to be eradicated by a hasty compromise, or a temporary cessation of exactions. It is too dangerous, not only to the trade immediately concerned in its operations, but to the general interests of the public, to be suffered to ferment in protracted gestation. It forebodes a war of classes, in which union and combination, craftily qualified, and reduced to method by a well-adapted mechanism, threatens to surprise and overwhelm the neutral and independent members of society, who merely stand upon their individuality. It projects the propagandism of new and dangerous principles of social and political economy, which, if suffered to invade the rights of capital, and the prerogatives of labour in detail, will ultimately prostrate all liberty of action and freedom of contract or exchange, and revive, in its most invidious and incongruous forms, the ancient monopolies of trade corporations, and the exploded theories of exclusive property or vested interest in the practice of the skilled handicrafts. A great question of public liberty is involved in the uncontrolled right of every master to contract for the services of any British subject he pleases; a great principle of social morality is perilled in the prohibition of any member of the body politic from earning his livelihood by the pursuit of any honest calling to which he may apply himself, or to which his circumstances or capacity may direct his energies. A most solemn controversy of state policy arises in the consideration of whether every classification of manual labour is to be permitted to hedge itself round with a wall of separation, which shall vest in the initiated the sole right of pursuing the calling into which they have originally procured admission; because by this means the class of employers being restricted in the number of apprentices, would be left entirely at the mercy of the dictation of those whom alone they could thereby employ; a dictation which has proved too often destructive to the trade of the country, to the demand for the labour of even those who had proposed to appropriate it exclusively to themselves, and to those whose ignorant selfishness rashly presumed to tamper with the great and inexorable laws of social and political economy.

"It has been the system of this formidable conspiracy to take masters in detail; to undermine the discipline of the establishments by secret negociations with the workmen; and to 'withdraw,' on a settled method, and by means of the suborned treachery of men to masters, concealed by the euphonistic phrase, 'statistical returns,' which supplies to the Star-chamber of the executive council every particular connected with the engagement of every artisan, which may enable them to practise upon those whom they can cajole into discontent by bribing them to become stipendiaries upon the subsistence fund. Ample evidence is afforded in the foregoing extracts from the accounts of the central committee, and more is in possession of this association, that nearly every establishment in London, (and doubtless the same practices extend to the provinces), secretly contributes to this 'withdrawal' fund, which is really a strike or turn-out upon the most refined and subtle system; and that it is utterly hopeless to arrest the progress of these practices, except by entirely cutting off the resources of the workmen by a universal cessation of labour and of wages. When bad men conspire, honest men must unite; and this association utterly protests against the imputation that by combination they are following the practices they condemn. As well may the police force be confounded with the gangs of the lawless they are marshalled to detect; the fleets of the merchantmen, sailing in convoy for mutual protection, be classed with the privateers or pirates; or the defence of our coasts be placed in the same moral category with the army of invasion.

Appendix, No. 4.

"To all of us it has been a subject of the deepest pain to be compelled to visit upon the innocent the common punishment of the guilty. We can but answer, that we punish ourselves the most severely of all by the loss of interest on our capital, and of profit on our business; that we have no means of distinguishing those who maintain their independence, and render us faithful service, from too many who treacherously apply the wages they receive from our hands to feed the mutiny against us; and that many who belong or contribute to these unions have the meanness to conceal, or the mendacity to deny it. We are bound also to say, that the complaints of being treated with injustice emanating from those who, disclaiming connection with the unions, yet find themselves involved in the same common exclusion, are not very reasonable. If they have no sympathy with the executive council, they are numerous enough and strong enough to assert their own independence, and to put down its tyranny and dictation. If they either cannot or will not, it is not open to them to complain of the only measures open to their employers to defeat the machinations of their common opponent. Indeed, it is not conceivable that a sixth part of the whole workmen in our employment could assume the regulation of the conditions of our relationship with our hands, without the secret sympathy or passive consent of the vast majority. When the great body of our artisans are sincerely desirous to act with fidelity towards us, and to assert their own independence, there is no doubt that, there being a will, there will be found a way. If they plead coercion, intimidation, even danger to their personal safety, the more thorough and energetic are the measures which are called for from their employers. It may be indeed that even these may not be effectual. The artisans in other trades are invoked to take part in the common conspiracy of labour against capital; and the time may have arrived, when, driven to stand by their order, this association will have to be extended to and embrace all denominations of employers.

"The executive committee are anxiously engaged in considering the means by which the causes of this unhappy state of antagonism betwixt classes whose mutual interests should inspire them with a common spirit of co-operation may be permanently removed. But to be effectual to secure a desirable consummation they must be carefully matured, and founded upon well-authenticated data; because it is not a hollow truce, but ample securities for a lasting peace, which alone can make the grave step adopted by the members of the association of simultaneously closing their establishments either useful or justifiable.

"This only the association will at present define as the indispensable basis upon which they will alone consent to resume their avocations:

"1. The undoubted and unrestricted right of every labouring man in this free kingdom to follow any honest calling in which employers may desire to engage him.

"2. The unquestionable prerogative of every employer to make what arrangements and engage what workmen he pleases, upon whatever terms they choose mutually to agree.

"The imperative necessity of providing such securities for the full accomplishment and permanent establishment of these conditions as shall frustrate all attempts of self-constituted and irresponsible bodies by intimidation, conspiracy, and dictation, to weaken the rights of employers or the independent privileges of labour.

"By order of the committee,

(signed) *Sidney Smith*,
"Secretary of the Central Association.

"30, Bucklersbury, 17 January 1852."

MINUTES of a MEETING of the Executive Council of Amalgamated Society of Engineers.

LAST night a meeting of the executive council of the Amalgamated Society of Engineers, &c., took place at the offices, Little Alie-street, Whitechapel.

Mr. Allen, the secretary, stated that he had received information from Liverpool that the firm of Faucett & Co. had given notice of their intention to discharge the society men from their employ at the end of the present week; and further, that Mr. Macgregor, of the Vulcan Works, had issued a document pledging his workman to renounce all connexion with the Amalgamated Society, and that those who refused to sign would be discharged on Saturday.

The result of these notices, we understand, will be to throw out of employment many additional hands.

A donation of 10*l*. from Mr. Coningham, a gentleman of fortune residing at Brighton, was received.

Appendix, No. 5.

Appendix, No. 5.

COPY of RESOLUTION forwarded by the EXECUTIVE COUNCIL of the "AMALGAMATED SOCIETY OF ENGINEERS, &c." on the 5th January 1852, to the "CENTRAL ASSOCIATION OF EMPLOYERS OF OPERATIVE ENGINEERS, &c."

"THE public newspapers having stated that the Executive Committee of the Employers' Association were desirous of seeing a deputation of the workmen, the Executive Council of the Amalgamated Society beg to say, that if the Committee of Employers are desirous of seeing us, we hold ourselves in readiness to wait upon them in reference to the questions now in dispute."

Appendix, No. 6.

Appendix, No. 6.

DOCUMENTS relating to the CONSEIL DE PRUD'HOMMES of *Lyons*.

(No. 1.)

ETAT des Opérations du Conseil de Prud'hommes de Lyon depuis 1846 jusqu'au 1851.

Année.	Nombre de Causes.	Fabricants et Chef d'Atelier.	Chef d'Atelier et Ouvrier.	Chef et Apprentis.	Chefs et Dévideuses.	Soieries.	Tulles.	Dorures.	Chapellerie.	Nombre de Jugements.	Nombre de Conciliations.	Nombre de Surveillance.	Rapport du Médecin.	Contreventions.	Dépôts d'Echantillons au Greffe du Conseil.	Résiliations.	Citations.	Arbitrages.
1846 -	5007	2004	1301	1252	450	4884	89	20	14	96	4911	180	50	23	365	118	304	621
1847 -	4677	1978	1280	1170	249	4508	139	18	12	88	4589	145	48	21	269	95	331	568
1848 -	2267	1067	550	450	200	2204	48	12	3	24	2243	104	15	14	- -	76	113	280
1849 -	2245	1150	450	470	175	2155	50	24	16	35	2210	155	85	14	- -	95	112	380
1850 -	2880	1275	640	710	255	2755	65	35	25	53	2827	125	72	3	188	92	114	441
1851 -	3078	1470	802	604	202	2796	72	40	8	52	3026	110	15	5	138	85	117	329
En 1845	5882	2445	1506	1409	522	5729	130	16	7	88	5117	340	144	15	375	118	304	621

(No. 2.)

CARTE D'INVITATION.

IL est très expressément recommandé de présenter ce billet à l'audience.

Ville de Lyon.

(ARMOIRIES.)

CONSEIL DES PRUD'HOMMES.

M est invité à se rendre en personne

au Conseil des Prud'hommes séant à Lyon, Salle d'Henri IV., à l'Hôtel de Ville, à l'effet de se concilier avec M. sur les objets que les divisent.

Le Secrétaire du Conseil,

Lyon, ce 185

(No. 3.)

CONSEIL DES PRUD'HOMMES.

Monsieur, Lyon, le 185

Vous êtes prié de vous rendre au greffe, le à heure du pour concilier une affaire avec M

J'ai l'honneur d'être,

Votre très humble serviteur,

Le Secrétaire du Conseil.

Appendix, No. 6.

(No. 4.)

CONSEIL DES PRUD'HOMMES DE LA VILLE DE LYON.

Monsieur le Maire, Lyon, le 184

LE Conseil n'ayant pû parvenir à terminer le différend qui s'est élevé entre le Sr chef d'atelier et son apprenti demeurant tous deux dans votre commune, a décidé le que cette affaire serait recommandée à votre sollicitude paternelle, il a pensé que l'intervention bienveillante du premier magistrat du lieu suffirait pour ramener l'ordre et l'harmonie entre le maître et son élève, et il vous a en conséquence chargé de ce soin.

Si, contre toute attente, vous ne pouviez réussir à rétablir la paix et la concorde dans l'atelier, vous auriez la bonté d'adresser au Conseil ou de remettre à l'une des parties un rapport cacheté, dans lequel vous feriez connaître votre opinion sur les torts réciproques des parties, afin d'éclairer la religion du Conseil et de le mettre à même de prononcer en parfaite connaissance de cause.

Veuillez recevoir, Monsieur le Maire, l'assurance de ma haute considération.

(No. 5.)

CONSEIL DES PRUD'HOMMES.

M Lyon, le 184

PAR décision du Conseil à la date du a été condamné à payer à M la somme de

Le Conseil a de plus ordonné que cette somme serait inscrite sur les livrets du pour qu'il lui fut retenu le huitième de ses façons ; en conséquence, vous voudrez bien, M viser le livret de ce chef d'atelier et y coucher la somme ci-dessus, si comme on l'a assuré au Conseil vous l'occupez toujours.

J'ai l'honneur d'être votre tout dévoué,
Le Secrétaire de Conseil.

(No. 6.)

CONSEIL DES PRUD'HOMMES.

Monsieur, Lyon, le 185

JE vous préviens que si vous ne payez au Greffe du Conseil, et dans la huitaine au plus tard, la somme de qui a été allouée à M par jugement du vous y serez contraint par les voies de droit et notamment par l'exécution du dit jugement.

Je vous engage à éviter des frais qui ne feraient qu'aggraver votre position et à vous libérer envers M

J'ai l'honneur de vous saluer.

(No. 7.)

CONSEIL DES PRUD'HOMMES.

Monsieur, Lyons, le 184

LE Conseil vous prie de vous transporter dans le domicile de M le pour examiner avec M qui doit s'y rendre.

Veuillez agréer les très humbles salutations de votre tout dévoué.

(No. 8.)

Appendix, No. 6.

(No. 8.)

LE PRÉSIDENT DU CONSEIL DES PRUD'HOMMES DE LA VILLE DE LYON.

Lyon, le 18

A Monsieur Membre du Conseil

M demeurant est venu se plaindre de la conduite de son apprenti.

Je vous prie de prendre ce jeune homme sur votre surveillance et de le visiter aussi souvent que vous le jugerez convenable.

Vos paternelles remontrances le détermineront probablement à se mieux conduire et à remplir parfaitement ses devoirs.

Mais si les voies de la persuasion n'étaient pas suffisantes, vous le reprimanderiez sévèrement, et enfin, si ne tenant point compte de vos bons avis, il continuait à se mal-conduire, vous voudriez bien m'adresser un Rapport, et le Conseil lui appliquerait les dispositions de la loi.

Veuillez agréer, mon cher collègue, l'assurance de ma considération distinguée.

(No. 9.)

Monsieur, Lyon, le 18

LE Conseil a mis sous votre surveillance l'atelier du au sujet.

Votre très humble et tout dévoué.

(No. 10.)

LE PRÉSIDENT DU CONSEIL DES PRUD'HOMMES DE LA VILLE DE LYON.

A Monsieur le Docteur, Lyon, le 18

Mlle apprentie sur se plaint d'une affection qui l'empêche de travailler.

Je vous prie d'avoir la bonté d'examiner cette jeune personne et de nous donner votre avis.

Veuillez agréer, Monsieur le Docteur, l'assurance de ma considération distinguée.

(No. 11.)

SECRÉTARIAT DU CONSEIL DE PRUD'HOMMES.

L'an mil huit cent cinquante

Et le

Pardevant nous Secrétaire dus Conseil des Prud'hommes de Lyon ont comparu,

M.

M.

Lesquels comparants sont volontairement convenus de ce qui suit. L place l agé de ans, en qualité d'apprenti chez l pour y apprendre tout ce qui se dans son atelier, et notamment et ce pour le terme de année à partir du pour finir le

L'élève qui déclare choisir librement et par goût entre plusieurs professions celle qu'exerce le S promet d'être soumis et obéissant à en tout ce qui lui sera commandé de juste et raisonnable concernant son état travaillera assiduement, réparera le temps perdu par sa faute ou par maladie, ou le remplacera à la fin de son apprentissage ne fera aucune absence sans cause légitime ou sans permission balayera, nettoiera l'atelier, fournira l'eau nécessaire aux besoins du ménage, se conformera à tous les usages en général et à ceux de l'atelier en particulier, et se conduira enfin comme un bon apprenti.

Appendix, No. 6.

De son côté l promet de loger, nourrir son élève, et blanchir son gros linge, de lui démontrer tout ce qui sera relatif à sa profession, sans rien lui cacher, ni déguiser, afin qu'il puisse devenir un jour bon ouvrier lui donnera sa tâche aussitôt sera dans le cas de la faire, et lui en payera l'excédant selon l'usage.

Enfin il aura pour son élève les soins et les égards.

Dans le cas où l'apprenti ne finirait pas son temps ou viendrait à se dégouter de l'état dont s'agit, et à donner lieu par son fait à la résiliation du présent contrat, le promet et s'engage de payer à titre d'indemnité la somme de

Enfin pour tous les cas imprévus et qui donneraient lieu à des difficultés entre les parties, il en sera référé aux usages de la fabrique et au besoin au Conseil des Prud'hommes de Lyon, qui statuera sur leurs différents en dernier ressort et sans appel, et dont les susnommés reconnaissent et acceptent la juridiction.

Après avoir donné lecture aux parties des présentes conventions ainsi que des articles 8, 9, 10, 11, 12, 14 et 16 de la loi du 22 Janvier, 3 et 22 Février 1851, et leur en avoir expliqué le sens et la portée, elles ont signé le présent contrat avec le Secrétaire.

Inscrit au Régistre, No.

(No. 12.)

LE PRESIDENT DU CONSEIL DES PRUD'HOMMES DE LYON.

À Monsieur le Trésorier de la Ville.

Monsieur, Lyon, le 185

J'AI l'honneur de vous prévenir que par suite d'un dépôt de dessins fait au secrétariat du dit conseil, le par M il a verser dans votre caisse la somme de pour l'indemnité voulue par le décret impérial du 18 Mars 1806, et dont la quotité a été fixée de conformité aux dispositions du même décret.

Je suis avec une parfaite considération, Monsieur votre dévoué serviteur.

(No. 13.)

COMPTE-RENDU des Travaux du CONSEIL des PRUD'HOMMES de la Ville de Lyon, par M. *Félix Bertrand*, Président du Conseil, Années 1852–1853.

Messieurs,

LE moment est venu ou, par suite de l'exécution de la nouvelle loi du 1er juin 1853, il va être procédé au renouvellement integral du Conseil des Prud'hommes. Je viens en conséquence, suivant l'usage, vous rendre compte des travaux du Conseil pendant les années 1852 et 1853.

Depuis le 1er janvier jusqu'au 31 décembre 1852, le Conseil a tenu 153 séances publiques, dans lesquelles 3,728 causes ont été appelées.

Depuis le 1er janvier jusqu'au 31 décembre 1853, le Conseil a tenu 153 séances publiques, dans lesquelles ont été appelées 4,813 causes.

Elles se divisent ainsi:	1852.	1853.
Entre fabricants et chefs d'atelier	1,502	1,416
Entre chefs d'atelier et ouvriers	1,023	1,530
Entre chefs d'atelier et apprentis	931	1,302
Entre chefs d'atelier et dévideuses	272	565
	3,728	4,813

Le bureau particulier a concilié 2,580 affaires en 1852, et 2,961 en 1853.

448 affaires en 1852, et 855 en 1853, ont été retirées avant que le bureau particulier ait statué.

En 1852, 700 affaires, et en 1853, 997 ont été portées devant le bureau général.

Sur le nombre de 700 causes en 1852, 645 ont été retirées avant jugement, 25 ont été jugées en dernier ressort, 30 l'ont été en premier ressort; ainsi, il n'y a eu que 55 jugements enregistrés.

En 1853, sur 997 causes, 920 ont été retirées avant jugement, 51 ont été jugés en dernier ressort, 26 l'ont été en premier ressort.

Il y donc eu, par conséquent, 77 jugements enregistrés.

Ces jugements sont répartis:	1852.	1853.
Entre fabricants et fabricants	3	1
Entre fabricants et chefs d'atelier	3	3
Entre chefs d'atelier et dévideuses	5	5
Entre chefs d'atelier et ouvriers	7	5
Entre chefs d'atelier et apprentis	37	63
	55	77

Les contestations conciliées par la voie de l'arbitrage sont, pour 1852, de 394, et de 645 pour 1853.

217 surveillances d'atelier en 1852, et 320 en 1853, ont été exercées par MM. les Prud'hommes.

127 contrats d'apprentissage en 1852, et 250 en 1853 ont été résiliés, soit pour cause d'insubordination ou d'incapacité de la part des apprentis, soit pour manque de soins de la part des maîtres.

230 dépôts d'échantillons ont été faits au greffe du Conseil pendant l'année 1852 ; il y en a 232 pour l'année 1853.

Le Conseil, en 1852, a été appelé à se prononcer sur trois contrefaçons de dessins ; aucune affaire de ce genre ne s'est présentée en 1853.

Dans ses audiences particulières, au greffe ou dans son cabinet, le Président du Conseil a donnée plus de 2,500 avis ou consultations qui, le plus souvent, ont terminé les difficultés sans qu'elles aient été portées à l'audience.

Dans le courant de ces deux années, le Médecin du Conseil a fait près de 160 rapports. Je profiterai de cette circonstance, Messieurs, pour témoigner ici notre profonde reconnaissance à M. Passot, qui, malgré ses nombreuses occupations, a toujours apporté le dévouement le plus actif à remplir des fonctions qui sont purement gratuites.

Tel est, Messieurs, le résumé matériel de vos travaux pendant les deux années qui viennent de s'écouler. Je crois cependant devoir vous présenter quelques observations sur les circonstances particulières qui accompagnent ces deux exercices.

Le nombre des affaires qui, pour l'année 1852, présentait déjà un excédant de 700 causes sur le chiffre de 1851, s'est encore accru cette dernière année. Cette augmentation se comprend, quand on considère l'activité qui n'a pas cessé de régner dans la fabrique d'étoffes de soie ; les transactions plus multipliées amènent des contestations qui, sans avoir aucun caractère grave, viennent se régler devant le Conseil. La plus grande partie des affaires sont terminées par la voie de la conciliation, et nous en trouvons la preuve dans le nombre des jugements qui est si minime en présence du chiffre élevé des causes portées devant le Conseil.

En examinant le tableau comparé des années 1852 et 1853, vous remarquerez, comme moi, avec une vive satisfaction, la diminution sensible qui s'est opérée dans les contestations entre fabricants et ouvriers. Cette réduction est une marque évidente de la bonne harmonie qui existe dans leurs transactions. La marche suivie avec tant de sagesse par le Conseil, dans les diverses questions qui lui ont été soumises, a puissamment contribué à cet heureux résultat, et il est facile de reconnaître l'influence de votre esprit conciliateur en comparant le nombre des jugements, qui se réduit à 132 pour les deux années, en présence de 8,541 causes appelées.

Les contestations entre chefs d'atelier et ouvriers, qui présentent une assez forte augmentation, proviennent toujours des mêmes causes. Le nombre des ouvriers étant insuffisant, il en résulte que les exigences des compagnons deviennent plus grandes, et, sous le prétexte le plus futile, ils abandonnent l'ouvrage commencé sans donner à leurs patrons l'avertissement préalable de huitaine. Ajoutons aussi à ces dispositions l'insouciance si blâmable des chefs d'atelier qui, malgré nos avertissements si souvent répétés, occupent des ouvriers non munis de livrets, et négligent ainsi une des conditions le plus essentielles pour la défense de leurs intérêts.

Les actes d'apprentissage passés au secrétariat du Conseil, dont le nombre, dans les années précédentes, était de 150 à 200, sont montés, pour 1852, au chiffre de 400, et de 800 pour 1853. Cependant, malgré les facilités particulières accordées par la loi du 10 avril 1851, pour la rédaction et l'enrégistrement des contrats écrits, nous continuons à voir paraître une grande quantité d'engagements qui ne sont faits que verbalement. Nous devons donc considérer l'augmentation qui se fait remarquer depuis 1852, comme la conséquence du plus grand nombre d'apprentis qui se forment, plutôt que le résultat de la volonté de suivre les bonnes dispositions de la loi. La négligence des parties à régulariser par un contrat les actes d'apprentissage s'explique, lorsque l'on voit la manière dont la plupart des engagements se font entre les parties ; par suite des difficultés qu'ils éprouvent à se procurer des ouvriers, les chefs d'atelier ont cherché à faire des apprentis. Peu consciencieux sur le

Appendix, No. 6.

choix, ils ont pris tout ce qui se présentait sans s'inquiéter de remplir les formalités voulues par la loi sur les contrats d'apprentissage; il en résulte que, au bout d'un certain temps, patrons et apprentis ne peuvent vivre en bonne intelligence; de là les contestations qui ont augmenté dans une proportion aussi énorme les causes présentées devant le Conseil. La Savoie fournit à la fabrique une grande quantité d'apprentis: les parents, pauvres pour la plupart, ne peuvent contracter d'engagements sérieux, puisqu'ils n'offrent aucune responsabilité. Cette nature d'apprentis présente les difficultés les plus nombreuses: se renfermant dans l'impossibilité où se trouvent les chefs d'atelier d'attaquer leurs parents en présence des frais énormes qu'entraînent les poursuites, les apprentis trouvent le moyen de fatiguer leurs patrons par leur mauvaise volonté, et l'intervention du Conseil se trouve trop souvent insuffisante pour les contraindre à faire leurs devoirs.

Je n'ai pas besoin, Messieurs, de vous signaler le fâcheux esprit d'insubordination qui, dans ces derniers temps, se fait remarquer parmi les apprentis en général. Dans le cours de l'année 1853, le Conseil s'est vu forcé d'appliquer à plusieurs d'entre eux les peines disciplinaires indiquées dans l'art. 4, titre 11 du décret du 3 août 1810. Ces exemples, nous devons l'espérer, auront de bons résultats, en prouvant à cette classe de jeunes indisciplinés que le Conseil est décidé à employer les mesures les plus sévères pour maintenir l'ordre et la discipline dans les ateliers.

Si d'un autre côté nous considérons les exigences de certains maîtres qui ont le déplorable système de faire de leurs apprentis une véritable exploitation, et, au moment où l'ouvrage cesse, n'hésitent pas à les renvoyer sans motifs justifiés, nous sommes contraints de reconnaître qu'il est urgent d'arriver à l'exécution sérieuse des dispositions de la loi du 22 février 1851. Le renvoi brusque des apprentis, la plupart inhabiles, jette sur la voie publique des ouvriers incapables qui sont la ruine de notre fabrique, et finissent par se livrer au vagabondage, ne pouvant trouver dans leur travail les moyens nécessaires pour pourvoir à leurs dépenses.

C'est à vous, Messieurs, c'est à votre sage intervention qu'il appartient de mettre un terme aux abus que nous signalons; votre action essentiellement moralisatrice peut seule obtenir les améliorations désirées; car, l'expérience de chaque jour nous le prouve, les conditions et les soins de l'apprentissage exercent la plus grande influence sur l'avenir et la prospérité de notre belle industrie.

Malgré la décision prise par le Conseil qui exige que tout chef d'atelier soit muni d'un livret tenu régulièrement par entrée et sortie, pour les comptes de dévidage, cette sage mesure est généralement négligée, et nous voyons tous les jours s'élever des contestations pour solde de soie imputé à la dévideuse, sans qu'il soit apporté aucune preuve régulière. Aussi le nombre des causes entre chefs d'atelier et dévideuses a-t-il presque doublé. Toutefois cette augmentation provient surtout des réclamations des dévideuses en paiement de leur salaire. Ce fait, que nous devons déplorer, est une preuve de la funeste incurie qu'apportent certains chefs d'atelier dans la gestion de leur intérieur. Quelquefois, sans doute, le besoin les entraîne; mais ils ne doivent pas oublier que la façon de dévidage fait partie intégrante du prix que leur accorde le négociant. La dévideuse, pauvre ouvrière, ne vit que de son travail quotidien; en lui retenant son salaire, on la place souvent dans l'état de pénurie le plus complet. Dépositaire de matières qui ne peuvent être son gage d'après la jurisprudence adoptée par le Conseil, elle est donc forcée de s'en rapporter à la bonne foi de ses débiteurs. C'est par suite de ces faits que, vous appuyant sur l'article de la loi qui autorise l'exécution provisoire de vos jugements, et désireux d'éviter des frais qui ne feraient qu'augmenter les embarras pécuniaires des parties, vous avez décidé qu'il serait fait saisie-opposition entre les mains du négociant qui occupe le débiteur. Cette mesure, Messieurs, a déjà produit les meilleurs résultats, et nous espérons que, mieux éclairés sur leurs intérêts, les ouvriers en retard de paiement ne viendront plus à l'audience voir étaler les preuves de leur négligence, quelquefois même de leur mauvaise volonté.

Pendant l'année 1852, deux commencements de grève, qui du reste n'avaient aucun caractère sérieux, se sont manifestés: celle des ouvriers veloutiers en larges et celle des ouvriers tullistes bobinistes. Grâce à l'intervention du Conseil, elles ont été promptement terminées, et des concessions réciproques ont bientôt fait cesser un état de choses qui froissait les interêts de tous.

Les ouvriers apprêteurs d'étoffes de soie se fondant sur les dispositions du décret du 9 septembre 1848, avaient adressé à l'autorité une pétition qui a été transmise à votre Président. Le nouveau règlement adopté d'après son avis a rempli toutes les exigences, et, tout en conservant aux chefs d'atelier la possibilité de satisfaire aux besoins du commerce, a régularisé les heures de travail des ouvriers dans les limites fixées par la loi.

Le Conseil a été appelé à procéder à plusieurs expertises de soies saisies. Les connaissances spéciales de ses membres fournissent à la justice les renseignements les plus certains. Malgré les poursuites sévères exercées contre le piquage d'once, cette lépre de nos manufactures n'en poursuit pas moins son cours. De nombreuses condamnations ont encore eu lieu cette année, et nous devons tous désirer que le zèle et la fermeté que déploie la Société de Garantie arrive enfin à extirper cet infame trafic qui vit dans l'ombre et déprave les mœurs.

Dans le cours de cette année, la mort a frappé deux de nos membres, Messieurs Bayon et Charles Bret. M. Bayon n'a fait au conseil qu'un trop court passage, qui cependant

cependant nous a permis d'apprécier son esprit juste et droit. M. Charles Bret était notre doyen : son caractère franc et loyal le faisait aimer et respecter de tous. Appelé par son âge à occuper ce fauteuil pendant les jours solennels, nous étions heureux de voir à notre tête cet homme vénérable ; que l'expression de nos regrets soit pour sa mémoire un gage du profond souvenir que nous lui gardons dans nos cœurs.

Le compte des finances dont la commission est chargée de vous faire le rapport, présente un excédant dont je dois néanmoins vous expliquer l'origine. Depuis longues années l'usage avait voulu que les anciens fournisseurs, conservant le privilége que méritaient leurs services, fussent seuls chargés de pourvoir aux besoins du Conseil. Cependant, dans son désir d'apporter dans l'organisation qui était sous ses ordres tous les soins que nécessitait la confiance dont vous l'avez honoré, votre Président a cru devoir rompre avec les anciens usages, et mettre en adjudication les diverses fournitures qui grévent le budjet du Conseil des Prud'-hommes. De ce mode de procéder il est résulté une économie si importante que c'est à ses résultats que nous devons l'excédant extraordinaire qui figure au crédit de votre compte de finances. Nous trouverons ainsi dans nos propres ressources le moyen de continuer la distribution de ces jetons qui, quelque minime qu'en soit le nombre, n'en sont pas moins pour vos familles un flatteur souvenir des fonctions honorable auxquelles vous ont appelés les suffrages de vos concitoyens.

Par suite de la mort de l'ancien conservateur, M. Falconnet, nous avons dû procéder à une nouvelle nomination ; nous avons choisi parmi les postulants celui qui présentait les conditions les plus essentielles. M. Roussy, ancien membre du Conseil, nommé chevalier de la Légion-d'Honneur pour les services qu'il a rendus à l'industrie, a été désigné par votre commission comme réunissant au plus haut degré les conditions voulues. Ce choix, Messieurs, a déjà reçu votre approbation.

Jusqu'à ce jour, le conservatoire n'avait eu qu'une réglementation fort incomplète ; votre commission s'est émue des abus qui pouvaient en résulter. Votre Président a été appelé à formuler un règlement qui, après l'approbation de la commission, est aujourd'hui strictement exécuté ; il résulte des mesures prises que toutes garanties sont conservées pour empêcher qu'aucun détournement d'échantillons ne soit possible, et nous avons l'assurance que l'intégralité des dépôts faits par les négociants restera la propriété exclusive du conservatoire. Par ces combinaisons, il acquerra dans l'avenir l'importance qui accompagnait l'heureuse idée de sa création. Il est vrai, Messieurs, que l'exiguité du local qui lui est consacré ne permet pas d'en tirer tout le parti qu'on avait le droit d'en attendre ; mais un jour viendra, et ce jour n'est pas très éloigné, où, grâce aux soins éclairés de l'administration, toutes ces richesses, produit du génie Lyonnais, ne resteront plus enfouies au fond de casiers poudreux, et, trouvant un espace digne de leur importance, seront, pour ceux qui viendront les consulter, une preuve matérielle des efforts que fait chaque jour notre belle industrie pour soutenir dignement la supériorité que lui a reconnue le monde entier à l'exposition universelle de Londres.

Le prix élevé des soies et les éventualités de voir l'équilibre européen rompu par les événements qui se passent en Orient ont amené un ralentissement momentané dans le mouvement des affaires. Cette circonstance est d'autant plus malheureuse qu'elle se trouve aggravée par la cherté des subsistances et du combustible. Quoiqu'il y ait, depuis quelques jours surtout, un assez grand nombre de métiers sans ouvrage, espérons que nous verrons bientôt renaître cette activité si nécessaire aux classes laborieuses. L'administration, dans son intelligente sollicitude, a cherché à subvenir autant que possible aux besoins les plus pressants. Des bons de pain à prix réduit sont mis à la disposition des ouvriers nécessiteux, et des chantiers de travail ouverts aux hommes valides sont un moyen puissant qui leur permet de fournir à leur propre existence ainsi qu'à celle de leurs familles. Les ressources des bureaux de bienfaisance qui, par suite des circonstances, se trouvaient essentiellement insuffisantes, vont être augmentées par une souscription qui ne tardera pas à être largement remplie. Nous pouvons donc avoir l'assurance que la charité, si vivement pratiquée dans notre ville, aura de nouvelles ressources pour venir en aide à ces misères cachées qu'amènent trop souvent l'âge et les maladies.

Je viens de faire passer sous vos yeux le résumé des travaux du Conseil pendant les années 1852 et 1853. L'absence de tout appel contre les jugements rendus prouve la déférence avec laquelle sont acceptées ses décisions. Vous permettrez, Messieurs, à votre Président de vous donner ici un témoignage public de sa reconnaissance pour le zèle et l'activité que vous avez mis à l'accomplissement du mandat qui vous avait été conféré. Votre juridiction toute paternelle, qui rend de si grands services à la classe ouvrière et qui est entrée si profondément dans nos mœurs, ne puise pas seulement sa force dans l'équité de ses jugements ; elle la trouve encore dans les connaissances spéciales des hommes qui sont appelés à l'exercer, et surtout dans la confiance que ces hommes inspirent aux justiciables. C'est à votre profonde sagesse, à votre haute impartialité que le Conseil doit la considération dont il est entouré. Pénétrés du sentiment de vos devoirs, vous avez apporté dans l'exercice de vos fonctions tant de prudence et d'esprit de conciliation, que nous avons vu disparaître presqu'entièrement ce malheureux antagonisme qui trop souvent a divisé le patron et l'ouvrier. Ne faisant plus qu'une seule et même famille, le Conseil, par la bonne harmonie qui n'a pas cessé de régner dans son sein, a donné l'exemple de cette fraternité qui doit réunir tous les travailleurs vers un seul et même but, la prospérité de l'industrie lyonnaise.

Appendix, No. 6.

Je ne terminerai pas, Messieurs, sans vous remercier du plus profond de mon cœur de la haute confiance dont vous avez bien voulu m'entourer. Pendant de longues années j'ai partagé les travaux de mon honorable ami, M. Brisson, qui a laissé parmi nous de si vifs souvenirs. Appelé, après sa retraite, à l'honneur de présider le Conseil, j'ai poursuivi avec une volonté bien arrêtée les améliorations que me signalait votre sage expérience.

Ma tâche, Messieurs, a été facile, en me sentant appuyé par le concours d'hommes aussi éclairés et aussi dévoués au bien public. La marque d'estime et d'affection dont vous avez voulu m'honorer, en demandant à l'Empereur de me conserver à la tête du Conseil, restera gravée dans mon cœur comme mon plus beau titre de gloire.

Le Conseil, Messieurs, va commencer une ère nouvelle : Le plus grand nombre de ceux qui siégent ici en font partie, et ne tarderont pas à prouver à leurs concitoyens qu'ils étaient dignes de continuer l'honorable mission qui leur est confiée. Quant aux membres qui doivent nous quitter, qu'ils reçoivent ici l'expression de nos profonds regrets d'être privés de leurs lumières et de leur expérience. Ils trouveront dans leur conscience la récompense du bien qu'ils ont fait, et voudront bien conserver à leurs anciens collégues les mêmes sentiments d'amitié qui les ont accompagnés dans le cours de leurs travaux et dont nous serons heureux de garder la mémoire.

Appendix, No. 7.

Appendix, No. 7.

REPORTS from the FRENCH EMBASSY and from His Excellency *M. Van de Weyer.*

ON behalf of the Committee of Masters and Operatives, the Chairman applied to the French Embassy for information in regard to the system of the Prud'hommes in France. The Chancellor of the Embassy, in reply, requested that some questions on the subject should be laid before him, which would be forwarded to the best authorities in France on the subject, and be returned without delay. The questions and answers are as follows:

1. Does the Conseil des Prud'hommes in France prevent litigation, and conciliate the difference between masters and workmen?—*Answer.* Yes.
2. Have these Conseils proved injurious or detrimental to the interest of manufactures or commerce, or of any other class?—No.
3. Do they, under all circumstances, prove of benefit or the reverse to the community in general?—Yes, very useful to the country.
4. Has France been benefited by these institutions?—Yes.

Here follows the letter from the Chancellor of the French Embassy that was sent with the above:

Monsieur, Albert Gate, 17 Mai, 1856.

J'AI pris la liberté de répondre par oui et non aux diverses questions que vous m'avez fait l'honneur de m'adresser concernant l'Institution des Prud'hommes; et j'ajouterai ce qui suit:—

" Pour bien apprécier l'Institution des Prud'hommes, il suffit de rappeler que, sous un autre titre (Juges Gardes aux Syndics des Communautés), elle existait en France avant la Révolution de 1789; la législation nouvelle remonte au 18 Mars 1806. D'abord limitée aux principales villes de commerce, elle a été successivement étendue à des villes de moindre importance. Cette institution s'est toujours maintenue, sauf quelques modifications réglementaires, qui n'en ont pas altéré le principe. Ce qui prouve d'une manière péremptoire les avantages de cette juridiction spéciale et de conciliation.

" Les deux lois qui régissent actuellement la matière sont celle du 27 Mai 1848, et celle du 1 Juin 1853. La seconde a eu plus particulièrement pour objet de faire prévaloir l'esprit de conciliation sur l'esprit d'antagonisme entre les patrons, les chefs d'ateliers, entre maîtres er ouvriers, qui avait été introduit par la loi du 27 Mai 1848, sous l'empire des idées politiques de cette époque.

" En prenant connaissance de ces deux lois, de leurs motifs, et des procès-verbaux de discussions, on sera facilement au courant de l'état actuel de cette législation."

Si vous aviez, Monsieur, à m'adresser quelques autres questions je serais heureux à y répondre dans la mesure de mes moyens.

J'ai l'honneur, &c.
(signed) *Hippte Roux.*

May 27, 1856.

The enclosed have been received by the Chairman of the Committee, in answer to the inquiries made by him from his Excellency M. Van de Weyer. The statements themselves are so voluminous, that the Chairman has deemed it advisable only to print the introduction for the members of the Committee; any member desirous of seeing the documents can have them by sending to Hyde Park Place, No. 4, with his name.

My dear Sir, May 27, 1856.

I hasten to send you the documents which I received last night, and add an *essai* or *études* written by a friend of mine, and sent to me by the author for your perusal.

Believe me, &c.

W. A. Mackinnon, Esq., M. P. (signed) *Sylvain Van de Weyer.*

Avant-Propos.

Les Conseils de Prud'hommes sont loin d'avoir pris en Belgique le développement qu'ils devraient y avoir acquis.

Cependant l'institution existe et fonctionne dans le pays depuis près de quarante ans.

Des débats parlementaires, des délibérations communales, des comptes-rendus officiels ont appelé l'attention publique sur cette juridiction aussi modeste dans son allure que féconde dans ses effets. Française d'origine, elle a reçu d'une loi, en 1842, le sceau de la nationalité belge; mais les dispositions impériales qui régissaient la matière ont été maintenues en vigueur par cette loi même.

De ces dispositions impériales, les unes satisfont plus ou moins encore aux besoins de la situation; les autres sont depuis longtemps tombées en désuétude; celles-ci, destinées à régler des rapports industriels spéciaux à certaines villes de France, n'ont jamais trouvé d'application en Belgique; celles-là, en opposition formelle avec notre droit public, ont toujours été considérées comme tacitement abrogées.

Ces lacunes, d'une part, ces anomalies et cet esprit suranné, de l'autre, sont une première cause du peu d'accès que les Conseils de Prud'hommes ont trouvé jusqu'à ce jour dans la plupart de nos provinces.

Cet état de choses tient en outre à ce que le caractère, le but, le mécanisme et les résultats pratiques de ces Conseils ne sont encore, en général, que très-imparfaitement appréciés.

Il importe cependant de vulgariser ces utiles notions, et de dissiper cette indifférence à l'égard d'une institution qu'un célèbre économiste contemporain (1) a si justement qualifiée d'une des plus nobles créations dont notre siècle s'honore; il importe, en un mot, qu'avant peu d'années, en Belgique, on ne puisse plus citer un centre industriel de quelque importance qui n'ait son Conseil de Prud'hommes.

Tel est le but; mais comment y atteindre?

Selon nous, le moyen le plus approprié à cette fin, c'est, après une étude approfondie de la question :

1. D'exposer avec simplicité ce qui est;
2. De rechercher avec sollicitude ce qui doit être;

Et 3. De signaler consciencieusement la voie la plus courte et la plus sûre pour arriver, sans secousse, du point de départ au but.

Notre plan arrêté, l'Etude sur les Conseils de Prud'hommes s'est, d'elle-même en quelque sorte, divisée en trois parties principales.

La première a pour objet l'organisation actuelle des Conseils de Prud'hommes en France et en Belgique;

La deuxième trait d'une organisation nouvelle de ces Conseils en Belgique;

La troisième se compose d'une avant-projet de loi réorganique.

Nous eussions désiré que cette tâche fût accomplie par l'un ou l'autre des membres éminents, soit de l'administration supérieure, soit du barreau belge. Un travail de cette nature eût certainement gagné à pouvoir s'abriter sous l'autorité d'un nom bien connu, et la partie du public à laquelle ce travail s'adresse, au lieu d'un modeste essai, eût été gratifiée d'une œuvre plus digne de fixer son attention.

Mais cette œuvre tardait à paraître, tandis que la nécessité de l'entreprendre se fait sentir chaque jour davantage.

Cette double circonstance nous a décidé à publier dès à présent le résultat d'études poursuivies pendant sept années, par conviction autant que par devoir, sur une institution qui, bien comprise, doit aider puissamment à résoudre l'une des plus graves questions de l'époque : la question des rapports entre les patrons et les ouvriers.

Bruxelles, Décembre 1848.

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(1) M. Michel Chevalier, Cours d'Economie Politique, année 1842-1843.

Appendix, No. 8.

Appendix, No. 8. MEMORANDUM respecting the "CONSEILS DE PRUD'HOMMES" in *France* and *Belgium*.

FRANCE.

History.

History. THE existence of these institutions dates from the year 1806, when Napoleon established a "Conseil de Prud'hommes" at Lyons by a law of that year. An Imperial decree issued in 1809, and amended by a decree of 1810, contained the regulations in detail under which they were to be established and conducted, and provided that the Government might create similar tribunals wherever it should think fit. In 1807 Rouen and Nismes, in 1808 and 1809 several other towns, obtained them. Paris was without a "Conseil de Prud'hommes" until 1844, chiefly on account of the practical difficulties which it was expected would arise from the great variety of the branches of manufacture there carried on. In 1844 one "Conseil de Prud'hommes," and in 1847 three more were established in Paris.

The number of Conseils in France in 1849 was 74, and their number at present is probably about the same. At the Revolution of 1848 several changes (some of them very violent) were made in the regulations applicable to them; but the law on the subject was again altered in some important respects by the Imperial law of the 1st June 1853.

Constitution.

Constitution. The Conseils are established by Governmental decree, on the advice of a Chamber of Commerce, or a Chamber of Arts and Manufactures. The number of members composing each Conseil is determined by the decree which creates it, according to the requirements of the particular trade for which it is appointed. The number is not to be less than six, exclusive of the president and vice-president. The Conseil is composed of masters and workmen in equal numbers, exclusive of the president and vice-president, who are chosen by the Government, and who need not be members of the Conseils or master manufacturers or workmen. Until the Revolution of 1848 the law required that the number of master manufacturers should always exceed that of the workmen by one, and the members of the conseil chose a president and vice-president from their own number. This was defended on the ground that, in order to guard against a "dead lock," it was necessary that there should be a numerical preponderance either on the side of the masters or the workmen, and that it was safer that it should be on that of the masters. After the Revolution of 1848 the number was equalised, and this arrangement has been maintained by the law of 1853.* As the president is not one of the members of the Conseil, the danger of a "dead lock" is prevented by his casting vote. But, as he is nominated by the Government, it may, perhaps, be considered that his casting vote gives to capital a preponderating influence in the Conseil. The members of the Conseil appoint a paid secretary and a "huissier," or executive officer.

The members of the Conseil are elected at a meeting called and managed by the prefect of the town where the Conseil is to be carried on.

With regard to the qualifications of electors. Under the decree of 1808 the right of election belonged to all master manufacturers and workmen who possessed a "patente,"† who were solvent, and who were 25 years of age and upwards. This limitation of the right to those who were "patentés" excluded large numbers of operatives from it; and at the Revolution of 1848 the law was altered so as to extend the privileges to the great majority of workmen. Under the present law the following are electors:

All master manufacturers of 25 years of old and upwards, who have been "patentés" for five years, three of which must have been within the district for which the Conseil is established.

All workmen who are 25 years old and upwards, and who have exercised their trade for five years at least, and resided three years in the district for which the Conseil is established.

The qualifications for serving on the Conseil are, to have attained the age of 30 and upwards; to know how to read and write; and to be qualified as an elector.

The mayor of each commune of the district, assisted by two assessors, whom he chooses, one from the masters the other from the workmen, registers the electors, and sends the deed to the prefect, who summons the electoral meetings.

The

* After the Revolution of 1848, it was provided that the presidency should pass every three months from a master to a workman, or *vice versâ*; but this, and a complicated mode of election introduced at the same time, were found untenable.

† The "patente" is a kind of licence, for which a small sum is paid to Government. The workmen subject to the "patente" are, as stated by Mollot, "ceux qui travaillent pour compte d'autrui, même sans compagnons, enseignes ni boutique."

Appendix, No. 8.

The masters at a meeting of their body, and the workmen at a meeting of theirs, choose the members who are respectively to represent them in the Conseil. On the first time of taking the votes an absolute majority (majorité absolue) is required for election; at the second a relative majority (majorité relative) is sufficient. Once in three years half the members of the Conseil, selected by lot, retire, and a new election takes place. The retiring members, however, are re-eligible.

Each Conseil holds a general meeting (Bureau Général) once a week, composed of an equal number of masters and workmen, which number must be at least two of each class. A "Bureau de Conciliation," called also "Bureau Particulier," composed of a master and a workman, both members of the Conseil, sits every day from 11 to 1. All disputes which fall within the province of the Conseil are, in the first place, brought before the "Bureau de Conciliation," and if they cannot be adjusted there, they are referred to the "Bureau Général," whose decision is binding in all disputes where the sum or value at issue is equal to or less than 200 francs. In all other cases the decisions of the "Bureau Général" are subject to an appeal to a superior Court. (The sum beyond which the decisions of the Conseil were subject to appeal was, until recently, only 60 francs, and was raised by the law of 1853 to 200 francs.) Up to the year 1842 (inclusive), there had been 184,574 cases submitted to the jurisdiction of the Prud'hommes: of these the "Bureau de Conciliation" decided no less than 174,487, leaving 10,027 for the number of those referred to the "Bureau Général" for compulsory decision. Of these latter 4,849 were withdrawn by the parties in the causes, and upon 5,178 judgment was passed: of these 1,904 were decided subject to appeal, and 3,274 "en dernier ressort." In all of those, however (except 190), which were decided subject to appeal, the judgment of the Prud'hommes was accepted without appeal.

After the promulgation of the law of 1853, the existing Conseils were remodelled so as to place them in accordance with its provisions.

Functions.

Functions.

1st. The main object of these institutions may be shortly stated to be the decision of disputes between masters and workmen, or between the workmen themselves; but

2dly. They also exercise certain specific functions of an administrative character.

Judicial Functions.

1st. The sixth article of the law of 1806 thus describes their judicial functions: "The Conseil de Prud'hommes is established for the purpose of terminating, by way of conciliation, the little difficulties which daily arise, whether between the masters (fabricants) and workmen (ouvriers), or between the foremen (chefs d'ateliers) and the ordinary workmen (compagnons) or apprentices (apprentis)."

Their jurisdiction is strictly confined to manufactures (fabriques) and those engaged in them as masters or workmen.

As has been before stated, all causes must first be brought before the "Bureau Particulier," or "Bureau de Conciliation," which sits daily, and whose decision in the greater proportion of cases is accepted by the parties in the dispute.

It is obvious from the definition above given of the functions of the Prud'hommes, that it would be impossible to enumerate all the different kinds of causes submitted for their judgment. The following cases are given by M. Mollot as being among those of most frequent occurrence.

A master brings a complaint against one of his workmen—

For having inflicted upon him some injury by contravening a law or regulation;

For having refused to fulfil a contract either actually entered into between them, or implied by the custom of trade, as to work, time, or price;

For having stolen or injured raw materials given him to work upon, or committed other offences of a like nature.

On the other hand the workman complains—

That his master has injured him by contravening a law or regulation;

Or that he has dismissed him at an improper time (temps inopportun), contrary either to actual agreement or established usage;

Or that he keeps back either the whole or part of his wages;

Or that he refuses to give him a "congé d'acquit," or certificate of his having fulfilled his engagements, or to give him back his "livret."*

As regards disputes of workmen *inter se*, they are less numerous than those between masters and workmen. Amongst the most frequent are questions—

As to the division of the wages between two workmen for the same piece of work;

The execution of a work which two or more of the men have been employed upon;

The embezzlement of raw materials or tools belonging to the master.

A great

* A book which he is obliged to carry, showing his name, age, birthplace, trade, &c., and which he must deliver to a new master on first entering his service.

Appendix, No. 8.

A great many differences also arise as regards contracts of apprenticeship, which are entered into by those who wish to learn a particular trade; sometimes with the masters, but more often with the head workmen (chefs d'ateliers), or with the workmen engaged in it.

With respect to disputes as to the rate of wages to be paid to the workmen, they are of course not within the legal jurisdiction of the Prud'hommes; that is to say, the Prud'hommes have no legal power to enforce their decisions with regard to them. But it would appear (as might be expected) that the Prud'hommes are frequently appealed to by the masters and workmen who cannot agree as to the rate of wages, and that their decision is often accepted, or at least that their advice tends to modify unreasonable demands on either side.

Administrative Functions.

2dly. The following are their administrative functions:

1. The Conseils are charged by law with the duty of investigating a complaint made to them in cases of infraction of the laws relating to manufactures, and of sending the *procès-verbaux* containing the result of their investigations before the ordinary law court which takes cognizance of the offence; and with a similar duty, upon complaint made to them, in cases of appropriation by the workmen of raw materials given out to them, or of fraud by dyers (teinturiers) in reference to such materials. The decision of these cases is within the jurisdiction of the Prud'hommes themselves; but they may also be taken by the parties in the dispute before any ordinary legal tribunal, and in that case the duty of the Prud'hommes is as above stated.

If necessary, they may send two of their number (a master and a workman), accompanied by a public officer, to the residence of any master or operative.

2. The Prud'hommes are also charged with the registration of designs. No person can establish his claim to property in a design without having deposited a copy of it, under his seal and signature, in the archives of the Prud'hommes, and receiving a certificate from them stating the number of the registration and date of the deposit. In case of a trial before the proper tribunal, in regard to the property in a particular design, the Prud'hommes are to open the packet deposited by the contending parties, and give a certificate as to priority of date. On each deposit the depositor is to declare whether he reserved to himself for one, three, or five years, or for ever, the sole property in the design; and the Prud'hommes are to keep a note of this declaration. A charge not exceeding one franc is made for each deposition. It should be observed that questions as to property in a design are now decided before tribunals of commerce; and M. Mollot thinks that it would be desirable that they should be decided by the Prud'hommes, as having a more practical knowledge of the subject.

3. The Conseils have also to provide and register certain "livres d'acquit" (two of which the law obliges the "chef d'atelier," or foreman, to provide, one for himself and one for his master, and which contain statements as to name and residence, state of accounts with the master, &c. &c.)

4. An exact register is kept by each of the Conseils of the number and classes of workmen employed in the branch of manufacture for which it is established; such register to be transmitted, when required, to the Chamber of Commerce.

5. The Conseils have also certain duties imposed upon them in regard to manufacturers' marks. Every manufacturer must, in order to enable him to establish his property in the mark imprinted on his wares, adopt a mark sufficiently distinct from that of other manufacturers. The "Conseils de Prud'hommes" are to decide, in the first instance, as to whether or not each mark is sufficiently distinctive; and if their decision is disputed, the case is sent before the Tribunal of Commerce, which decides after having seen the decision of the Conseil. No manufacturer can prosecute any person for counterfeiting his mark, unless he has deposited a copy of it with the "Conseil de Prud'hommes," and received a certificate from them accordingly.

Procedure.

Procedure.

Any person engaged in the trade for which the Conseil is established is bound to appear, on being invited to do so by letter from the secretary to the Conseil, on the day and hour named in the letter (except in case of absence or illness, when he may appoint a substitute). In cases of neglect or refusal, the "huissier" attached to the Conseil serves on him a written summons (citation). A day or more is allowed by the summons for his appearance, according to the distance of his residence. On appearing before the "Bureau Particulier," if the parties do not conduct themselves with propriety, they are liable to a penalty of 10 francs; and if the offence be grave, to three days' imprisonment. They are heard in each other's presence; and, as before stated, if the "Bureau de Conciliation" cannot reconcile them, they are sent to the "Bureau Général." No appeal against the judgments of the Conseil lies after three months from their decision. If the sum in dispute be less than 300 francs, the judgments are executed provisionally (notwithstanding that they are liable to appeal), without obligation of the successful party to give security. The judgments are signed by the president and vice-presidents, and accounts of them kept by the secretary.

If one of the parties does not appear at the time appointed, judgment goes by default; but the defaulter is allowed three days after the judgment has been announced to him, in which to show cause against it. If the Conseil has good reason to believe that he could not know anything of the affair having been brought before it, it may prolong the time within which

cause

cause may be shown against the judgment. A second judgment by default against the same person is final.

The Conseil (whether in "Bureau Particulier" or "Bureau Général") has the power of summoning witnesses, who are sworn, and give their evidence in presence of the parties in the dispute; after their depositions the presidents may put to them, on the requisition of the parties, any questions he thinks fit. Either party, or both of them, may object to the admission of the testimony of a particular witness; the Conseil deciding as to the validity of the objection. In causes subject to appeal, the secretary makes a *procès-verbal* (which is signed by the president, and countersigned by the secretary) of the names, &c., of the witnesses, and the evidence which they give. In other causes these particulars are stated in the judgment.

Expenses and Charges.

Expenses and Charges.

The members of the Conseil serve gratuitously. The secretary and "huissier" are paid, and the following are the charges from which they derive their salaries, and from whence the expenses of the Councils are paid.

The Secretary receives,—

	Frs.	*cts.*
For every "lettre d'invitation"	–	30
For each judgment enrolled by him	–	40
For every *procès-verbal*, stating that the parties cannot be brought to agree	–	80
For each certificate of the deposit of a manufacturer's mark	3	–

The Huissier receives,—

For each "citation"	1	25
For communicating judgments to the parties	1	75
If the distance he has to go is more than half a myriamètre, he receives for each "citation" per myriamètre	1	75
For each communication of a judgment for ditto	2	–
For copies of any documents which may accompany the judgment	–	20

In cases (which are, of course, very numerous) of voluntary resort to the Conseil, no charge whatever is made.

Witnesses are allowed a day's wages, or, if not then in work, two francs a head.

BELGIUM.

Two "Conseils de Prud'hommes" were established in Belgium, one at Ghent, the other at Bruges, by Imperial decrees of 1810 and 1813 respectively.

In 1838 petitions were presented to the government of Belgium from other towns in that country, for the establishment of Conseils there. It was found that this could not be done constitutionally, without passing a law for the purpose. Accordingly a law was passed in 1842, authorising the government to establish Conseils at 17 specified towns, and in 1843 and 1845 special laws established them at two other towns. Under these laws, however, "Conseils de Prud'hommes" have been established in only 12 towns in Belgium, and Brussels is not among them.

In 1845, 1,060 cases were decided by the Belgian Conseils; in 1846, 834, most of them by the "Bureau de Conciliation." We have no statistics of a later period.

The laws and regulations under which these Conseils are conducted are in the main the same as those established by the Imperial French law and decrees. In the work from which this account is taken, published in 1849 by M. Morhange, he expresses great regret that the institution has not had fuller development and success in Belgium.* It appears that this is mainly owing to the maintenance of the old French law, notwithstanding the commercial changes which have taken place since its enactment, and although in France itself the law has been very much modified; and also to the want of a general power in the Government to establish a Conseil at any place which may require it,—a power which is already possessed by the French Government. There seems reason to believe that if the law were amended in these respects, more frequent recourse would be had to the Conseils than is now the case in Belgium.

The foregoing memorandum relates to the "Conseils de Prud'hommes" in France and Belgium.

Besides those established in these two countries, between the years 1808 and 1813, Napoleon created 10 others in different parts of what was then the French Empire; viz., at Aix-la-Chapelle, Cologne, Crevelt, Duren, Gladback, Kaldenkirchen, Leyde, Montjoie, Stolberg, and Rome. After the peace of 1815, "Conseils de Prud'hommes" were established by law at several other towns of the Rhenish provinces of Prussia, where they are now called "Tribunaux d'Industrie."

The regulations under which all these institutions are conducted are those of the French Imperial law of 1806, and of the decrees which followed it of 1809 and 1810. This, as was

* M. Morhange also thinks that the decisions of the Conseils should be entirely gratuitous. No doubt this would act as a great inducement to resort to them; but it goes beyond the French system in point of liberality, and seems in itself objectionable.

Appendix, No. 8.

was stated above, is also the case in regard to the Belgian Conseils. The principal points on which the present French law differs from the law of 1806, and the subsequent decrees, are indicated in the memorandum; and the provisions of that law, and of those decrees, may be learnt in the fullest detail from the books, by the help of which it was drawn up, and which are as follows:

"De la Compétence des Conseils de Prud'hommes et de leur Organisation." Par Mollot: Paris, 1842.
"Manuel des Conseils de Prud'hommes." Par C. B. de Villiers: Paris, 1845.
"La Justice Industrielle des Prud'hommes." Par Mollot: Paris, 1847.
"Loi sur les Conseils des Prud'hommes," du 1 Juin 1853.
"Dictionnaire des Prud'hommes." Par A. Durut: Paris, 1846.
"Dictionnaire de l'Economie Politique."
"Etudes sur les Conseils de Prud'hommes." Par S. Morhange: Brussels, 1849.

Appendix, No. 9.

Appendix, No. 9.

MEMORANDUM by Sir *Henry Halford*, relative to the CONSEILS DE PRUD'HOMMES in *France*.

BEFORE the accession of Louis XVI., the French system of trade and manufactures had been one of exclusion and privilege.

Shortly after that event, M. Turgôt became the Minister of Finance. Among the edicts which distinguished his short administration, was one "Portant suppression des Jurandes et Maitrises," designed to create a new order of things, and by abolishing the former system to establish a complete freedom of trade and manufactures. The motives and objects of this royal edict are set forth in a lengthened preamble, in which the duty of the sovereign is acknowledged to secure the rights of the people; the first of those rights being that of the enjoyment to the fullest extent of the resources of labour as the means of subsistence. This right, however, had been prejudiced by institutions, giving exclusive privileges of the manufacture and sale of different articles to certain communities, into which there was no admission except on conditions burthensome and difficult. A narrow spirit was the characteristic of these corporations, having for their object the exclusion from their own domain of all productions from without, under pretext of protecting the market from defective goods. Their privileges had been obtained from former kings, "moyennant finance;" hence the maxim ignoring the "droit naturel" of labour, which came to be considered a "droit royal," in remedy for the consequences of which, as tending to much impoverishment, the expatriation of numbers and the general injury of the community, a right was now claimed on the part of the King to recall hurtful privileges conferred by his predecessors; and accordingly the first article of the edict which follows proclaims the abolition of all exclusive privileges, with full liberty to all to exercise any and every branch of commerce and industry; but with a reservation, such as appeared necessary for the sake of order. Districts were to be formed in the great towns and specially in Paris, for each of which the traders and artisans themselves were to choose a syndic and two adjoints annually, whose office it was to be, to watch over those of the same classes in their district, to give accounts to the lieutenant-general of police, and to receive and transmit his orders; a superintendence of the execution of engagements, of contracts, of apprenticeships, and other agreements between masters and workmen being attributed to this officer, with power of summary adjudication in all cases, excepting where the demand in indemnity should exceed the value of 100 livres, in which case resort was to be had to the ordinary tribunals.

It has been justly remarked, how much the economical ideas of Turgôt, confirmed as they have been in our own time, show him to have been in advance of the period in which he lived; but in the meanwhile, those whose interests were affected by his legislation combined against him, and, under the influence of what has been called the aristocracy of the corporation, acting upon the inexperience and facility of the young king, he was forced out of office, May 12, 1776, exactly two months after a sanction, which had been refused in the Parliament, had been given to the above edict by the authority of the monarch "en lit de justice." In August of the same year, however, the trades' corporations were reconstituted on a different foundation, of a character less subject to abuse than before, but not free from many of the views which there had not been time to forget.

After an interval of three years, M. Necker was called to the office which had been held by Turgôt. Necker's legislation of 1779, with regard to manufactures, was, as far as it went, on the side of relaxation, resulting from consultation with the Chambers of Commerce, and different persons conversant with the subject. It released the manufacturers of linen and woollen goods from vexatious regulations to which they had been subject; the principle he laid down being that of avoiding extremes, and keeping a middle course between opposing systems, wherever experience should prove the necessity of interposition, and thus he thought a near approach might, in the course of time, be made to legislative perfection. The order of things he introduced was said to be attended with happy effects during the interval which elapsed before the Revolution. But on 17th June 1791, the Constituent Assembly, along with the suppression of all incorporations of persons of the same trade and profession, accompanied

accompanied by the strongest and most effectual prohibitions against their revival, abolished all regulations whatever relating to the subject. From that period, therefore, for some succeeding years, manufactures were carried on, and arts and professions exercised in France, with perfect freedom from legislative interference; but not, as it appears, without disorder and abuse.

On the establishment of a new system of civil and political administration by the First Consul, attention (11 years afterwards) was given to this subject. On the 3d Nivose, an. XI. (end of 1802), a decree was promulgated in order to the formation of Chambers of Commerce in 22 of the principal towns at that time included within the territory of France, and prescribing the constitution of those chambers.

This decree was followed in a few months by a law bearing date (22 Germinal, an. XI.) 12 April 1803, giving a wider extent to its chief provisions, with a discretionary power to the Government to establish, wherever it might think proper, "Chambres consultatives de manufactures, fabriques, et métiers."

The motives and objects of this law, are set forth and enforced at length in a speech addressed to the Legislative Body by the Councillor of State, Regnault-de-St.-Jean-d'Angely, in the course of which he contrasts the rigorous system of former times in France, with the license, attended with injury to trade, and prejudice alike to the interests of manufacturers and of workmen, which had prevailed during the period since the Revolution. Having adverted to the great difficulty of indicating suitable remedies to this state of things, under the political changes which had taken place and the altered circumstances of France, he inferred the necessity of these consultative chambers for the purpose of deliberately collecting the opinion of merchants and traders, in order, under mature consideration, to decide upon the means by which commerce might be best promoted by their advice.

These chambers were subsequently organised by a resolution of the Executive Government.

They were to consist of six members, employers of manufacturing labour (manufacturiers-fabricants, or directeurs-de-fabrique), who had been such for five years at least, under the presidency of the mayor of the commune or prefect of the district; their functions to be confined to the making known to the Government the wants and means of improvement in the condition of "manufactures, arts, et métiers." They were to be elected in an assembly convoked for the purpose, consisting of from 20 to 30 of the most considerable manufacturers. Several regulations relating to manufactures of different kinds, which it is not necessary here to particularise, appear to have been made at their suggestion; but there are provisions contained in this law in connexion with the subsequent institution of the "Prud'hommes," and with the subject of the present inquiry, to which it may be useful to advert.

Embodied in this law, first appeared the French law directed against combinations (coalitions) whether of masters or workmen. It was afterwards transferred, with slight alterations, to the code penal, in which it appears comprised in two short articles, viz.:—

1. "Every combination among employers of labour, tending to compel unjustly and abusively a lowering of wages, followed by attempt or commencement of execution, shall be punished by imprisonment of from six days to one month, and by a penalty of from 200 fr. to 3,000 fr.

2. "Every combination of workmen for the purpose of simultaneous stoppage of work, of preventing work in a manufactory, hindering any from going to work or from remaining after certain hours, or in general for the purpose of suspending, hindering or raising the price of labour, if there shall have been any attempt or commencement of execution of such design, shall be punished by imprisonment for not less than one month, nor more than three. The movers or instigators to be punished by imprisonment of from two to five years."

(Toute coalition entre ceux qui font travailler des ouvriers, tendant à forcer injustement et abusivement l'abaissement des salaries, suivie d'une tentative ou d'un commencement d'exécution, sera punie d'un emprisonnement de six jours à un mois, et d'une amende de 200 fr. à 3,000 fr.)

(Toute coalition de la part des ouvriers pour faire cesser en même tems de travailler, interdire le travail dans un atelier, empêcher de s'y rendre et d'y rester ou après de certaines heures, et en général pour suspendre, empêcher, encherir les travaux, s'il y a eu tentative ou commencement d'execution, sera punie d'un emprisonnement d'un mois au moins, et de trois mois au plus. Les chefs ou moteurs seront punis d'un emprisonnement de deux à cinq ans.)

Subsequent provisions of the same law also define the obligations between employers and their workmen. Among other regulations it requires the master, on completion of apprenticeship, to give the apprentice a "congé-d'acquit," or certificate of the fulfilment of his engagement by the latter, without which no other employer can receive him; a "livret" to the same effect is also required on the part of the workman. The form of these livrets is settled by a resolution of the Executive Government, 2 December 1803, from which date every workman, in the character of "compagnon" or "garçon," is bound to furnish himself with one, which is to contain his name and description, the place where he is going when he removes, to serve as a passport, without which he is reputed a vagrant, and punished as such; the last employer to testify upon it the fulfilment of engagements. If the workman have received advance of wages, he is not entitled to his livret until he shall have performed the work for which he has engaged, if there is work to be done; if otherwise, he may demand his livret, even if he be in debt on account of advances made; but in this case the

Appendix, No. 9.

next employer may arrest his wages to an extent not exceeding 2-10ths of their daily amount until the debt be paid.

This law also provides that no ordinary workman can be bound by an engagement for a longer term than that of one year. And it contained also provision at its first promulgation for a special jurisdiction, under which all matters of simple police relating to workmen were to be referred at Paris to the prefect of police, and to the commissaries-general of police in other places, where there were such functionaries, and elsewhere to the mayor or his adjoint; but inconvenience was still felt in the adjudication of questions requiring special information, by magistrates not connected with manufactures. Hence the creation of the Conseils de Prud'hommes, by which this jurisdiction was superseded.

The inconvenience referred to had been pointed out to Napoleon during a visit he made to Lyons in 1806 by the silk weavers of that place, who entreated him to re-establish there an institution analogous to one they had possessed prior to 1791, a tribunal having then existed, consisting of judges connected with the manufacture, whose office it had been to conciliate differences arising in it between manufacturers and workmen. Hence an Imperial law, re-constituting such councils; applicable, in the first instance, to the city and manufacture of Lyons, but comprising articles empowering the subsequent extension of the measure by the Administrative Government to other manufacturing towns.

The motives of this law were set forth, on its introduction to the Legislature, by the same Councillor of State, Regnault-de-St.-Jean-d'Angely, who had introduced the former measure relative to the Chambers of Commerce.

Adverting in the course of his address to certain advantages in the old régime of incorporated trades, which had been lost in their condemnation on account of abuses, and referring to the objects sought to be attained by the recent law appointing Chambers of Commerce, he goes on to speak of a vigilance to be exercised, and contraventions to be repressed, requiring a different agency from that of the general administration of the empire, or even from that of the ordinary police of the city. Such duties required a sort of knowledge which could only be looked for among persons themselves engaged in the special manufacture. For their due discharge there was required, moreover, a sort of paternal indulgence, tempering the austerity of the judge with an unfailing claim to confidence, such as might engage willing submission.

They had been exercised before 1789 by the "juges-gardes," or "syndics," of the different communities, and the Emperor thought it expedient they should now be confided to "Prud'hommes," chosen partly from among the merchant-manufacturers, and partly among the "chefs-d'atelier;" and such were the expectations he entertained from the suggestion, that means were provided for its subsequent extension to other manufacturing towns. The scheme now proposed, however, was not so perfect as to be exempt from the probable necessity of further development, but might be changed and modified by subsequent regulation. Regulations, requiring change with time and circumstances, were not within the domain of the law, which ought to be general, and characterised by the permanence and inviolability of its principles. All cities, and all kinds of manufacture, would not admit of boards of this kind, constituted exactly in the same way, different modes of production requiring different arrangements; upon these it must be for the Government to exercise its judgment.

The original law thus introduced, was adapted to the silk manufacture of Lyons; but it contained, as has been said, special clauses providing for the extension, by the Administrative Government, of similar establishments, under suitable modifications, to other manufacturing towns (villes-de-fabrique). The law itself was amended and developed by subsequent decrees, especially in 1809 and 1810, and finally by a law of 1853. These several enactments have never been consolidated and digested into one statute, but taken together with the several amendments and additions progressively made form a code upon the subject. The value of the principle upon which they rest is attested by its application, gradually extended, until all the chief branches of manufacturing industry, at their principal seats, have been included. In Paris itself, four Councils of Prud'hommes are now established, applicable respectively to four different categories of analogous trades.

Decree of 1809, Art. 2. Law of 1853.

The "Conseils de Prud'hommes" are established by special decrees of the Administrative Government, upon recommendation (démande) of the Chambers of Commerce or Consultative Chambers of Arts and Manufactures in their respective districts.

The law of 1853 makes new provisions regarding the constitution and election of these councils, and appears to be complete within itself on this part of the subject. It contains an article which required that the complete (intégral) renewal of all the existing councils should be proceeded with on its promulgation.

Art. 13.

Art. 1.

The number of members of the council in each case is determined by its decree of institution, but they must not be fewer than six, besides a president and vice-president.

Art. 3.

The president and vice-president are appointed by the Emperor at his pleasure. They hold office for three years, but their appointment may be revoked at any time.

The secretary is appointed, on the nomination of the president, by the prefect, and may be displaced by him.

(By the decree of 1809, art. 25, the president and vice-president were elected by the Prud'hommes themselves from among themselves, subject to a fresh election every year. The secretary was also chosen by them, but not from among themselves.)

The

The Electors are:

The masters (patrons) of 25 years of age, who have been *patentés* for five years at least, and for three within the district of the council. Art. 4.

The workmen (chefs d'atelier, contre-maîtres et ouvriers) of 25 years of age, having worked at their trade for five years at least, and having been domiciliated for three within the limits of the council. *Patenté;* devised for fiscal purposes by a law of the Revolution.

Those qualified for electors, having completed their 30th year, and able to read and write, are eligible to the council.

The mayor in each commune of the district, with two assistants of his own choice from each class of electors, makes a list of electors to be referred to the prefect, by whom it is revised and settled. In case of dispute, an appeal is open before the council of prefecture or the civil tribunals, as in municipal elections.

The masters, convened in a separate assembly, name their representatives in the council, and the workmen, also in separate assemblies, name theirs in equal number with those of the masters.

Every three years the councils are renewed, those to retire on the first occasion being determined by lot; but the members are always re-eligible. The prefect convokes the electors to supply any vacancy which may occur, but members so elected continue in office only for the period during which their predecessor would have remained.

The administrative authority may convoke the councils whenever it shall think fit to procure their opinion on such matters as may be laid before them.

The purpose of the institution is declared in the original law of 1806 to be, in the first instance, that of terminating, by way of conciliation, the small disputes of daily occurrence between manufacturing employers and their workmen, and between workmen among themselves. Art. 6.

If conciliation shall fail, the council are vested with a judicial authority, conclusive and without appeal, when the capital sum in dispute shall not exceed a sum which has been extended, by the law of 1853, to 200 francs. They are authorised to pronounce judgment in all disputes between masters and workmen within their jurisdiction, without limit as to the sum, and when it is larger than 200 francs, to order provisional execution, without security, up to that sum, subject to appeal before the tribunal of commerce.

For the purposes of conciliation alone, a petty court (Bureau Particulier), consisting of one member from each class of the Prud'hommes, is to be held: as regards the more numerous councils, every day, and as to the smaller ones, every other day from eleven o'clock till one. Parties in dispute may present themselves voluntarily before this court. An immediate hearing before it is always practicable, attended with the hope that the difference may be stifled in its birth, without even a citation by letter, and without interruption of labour, or the aggravated animosities and increased difficulties subject to be created by delay. 1809, Art. 58.

The cases brought for conciliation before the Prud'hommes are said to be very various. Many of them are such as might come within the scope of ordinary law, and be made the subject of application to its magistrates; but there is nothing to prevent parties from foregoing the more rigorous course, in order to a friendly discussion of their respective claims before these councils. For instance, the manufacturer may have a complaint against a workman, of contravention of laws or regulations; of refusal to fulfil an engagement with regard to work, or as to the time or price agreed on; of ill execution of work, or waste, or misapplication of materials. On the other hand, the workman may have to complain, as well as the master, of contravention of laws and regulations; of dismissal at an improper time, contrary to agreement or established custom; of stoppage of the whole or part of wages; or refusal of the "congé d'acquit" or "livret." Disputes among workmen also may arise connected with their respective shares of wages on account of joint work, &c.; questions, also, with regard to apprenticeship. If, however, the petty court cannot succeed in the object of reconciliation, the case must be referred to the general court (Bureau Général.)

The general court is composed of masters and workmen in equal numbers, and there must be two, at least, present from each class, whatever the total number of the council, and without reckoning the president or vice-president. They are to sit once a week, at least; not to lose sight of the great object of reconciliation; nor, until every means in order to it have failed, to use the judicial authority with which they are vested. Bureau Général. 1853, Art. 11. 1809, Art. 23.

The citation, when necessary, whether before the petty or general court, is by simple letter, which, if it fail in its purpose, is to be followed by a summons sent by the officer of the court. If after this the party do not appear, judgment may be proceeded to by default; and this by the petty court as well as the general, proving a judicial power in the former; subject, however, to suspension on presentation of reasonable grounds, and promise to appear at a stated time; but if a second default occurs, no further suspension of the judgment in favour of the party is allowed. 1809, June 11. Art. 29. Art. 30.

The parties are bound to appear in person, or, if disabled by some unavoidable cause, they must be represented by some relation engaged in the same business. As it is of the essence of the institution to abridge formalities and avoid expense, no paid advocates or defenders are allowed. Witnesses may be called where the parties contradict one another as to facts, or in matters requiring proof; objections to them must be made before hearing; they are sworn before the general court, and heard separately. In cases subject to appeal, the secretary is to commit the evidence to writing; but in minor cases, where the judgment Art. 41. Art. 29. Mode of proceeding. Art. 49. Art. 50.

Appendix, No. 9.

1809, Art. 33.

is conclusive, this is not thought necessary. All persons are bound to be temperate in their language, and to conduct themselves respectfully; failing in this, they are to be called to order by the Court, and on repetition of the offence, the petty court may condemn the offender to a fine not exceeding 10 f. (" avec affiches du jugement dans la ville où siège le conseil ") ; and in case of aggravated disrespect, the offender may be imprisoned for a term not exceeding three days.

(Récusations). Art. 54.

One or more of the Prud'hommes are subject to challenge (récusation), under certain conditions, if they have a personal interest in the dispute, or if relations of or connected in business (alliés) with a party; or if during the year preceding they have been engaged in any criminal proceeding with one of them, or a connexion; or if there is any civil proceeding actually in suspense between them.

The law of 1806, art. 30, provides that the functions of the higher class of " Prud'hommes, négociants fabricants," shall be entirely (purement) gratuitous; a succeeding article (32) adds, that all the functions of the Prud'hommes, and of their bureau, shall be entirely gratuitous as regards the parties; nor shall there be any claim on account of formalities,

Mollet, p. 90.

beyond the cost of the paper and stamps employed. The Prud'hommes are placed in this respect on the same footing with the judges of the tribunals of commerce, who receive no salary. With regard, however, to the Prud'hommes of the operative class, it is doubted whether a gratuitous performance of their duties can be fairly required from them; having nothing but their labour to depend upon for themselves and their families, they cannot

Regnault.

make a sacrifice of time to a public duty. This was the view taken in the speech by which the law was first introduced. In fact, some of the operative Prud'hommes at Lyons are in the receipt of an indemnity amounting annually to 800 f. The opinion seems well founded that some provision ought to be secured to them by law, and not left to the authorities of the town where the council is established.

A voluntary application for purposes of conciliation made to the Prud'hommes, whether in the petty or general court, is attended with no expense; but the law of 1809 includes a tariff of fees payable to the secretary, the (huissier) messenger of the court, and the (greffier) registrar. These are very moderate, and applicable to cover the expenses of the paper (de régistre et d'expédition); very severe penalties are denounced against any exaction beyond what is allowed by law; but the secretary and his clerk are compensated from the funds of the town where the council is established.

The Prud'hommes have no jurisdiction in disputes between manufacturers or any other than those between masters and workmen, or workmen among themselves, within their district, and on matters connected with the manufacture to which they belong; but the law of 1806, requiring them to keep a register of the number of workmen employed, to be communicated on registration to the chamber of commerce for statistical purposes, they are authorised, in order to this, to make one or two inspections during the year.

This function is said to have been intended to provide for the discharge of a duty for-

Regnault.

merly performed by special officers, called inspectors of manufactures. It was designed in order to the collection of statistical information on the number of workmen and of looms, and for inquiring regarding the improvements of which the manufacture might be susceptible, into its condition, and generally into everything connected with it of public interest.

The decree of 1809, confirming these provisions, accompanies them with a security against abuse, requiring a preliminary notice of two days to the manufacturer before their visit to his premises, and enforcing a return from him containing the desired information. It is added in the clause, that the court has no object but that of information respecting the number of workmen and of looms; and an especial warning is given against any advantage which might be taken by requiring inspection of books, or obtaining the knowledge of secret processes of manufacture.

Mollet, p. 338.

The commentator, however (p. 338), expresses his regret that this part of the law is rarely carried into execution; considering that, without anything in the nature of trespass or compulsion, it might afford the means of collecting much valuable information.

But he adds in a note, that there is another duty of a more important kind, which it has been suggested might be suitably discharged by inspection, of the kind in question, by these functionaries. A law was promulgated in France, March 24, 1841, relative to the labour of children in manufactures (usines and ateliers). He thinks that the execution of this law might be fitly committed to the Prud'hommes, as from their special knowledge, their practical habits, their impartial constitution, and the paternal character of their office, better fitted than any other functionaries, judicial or administrative, for the discharge of its duties.

The inspection, however, above referred to, must not be confounded with the visits the Prud'hommes are empowered to make by an article of the law of 1806, on the requisition of parties in dispute. There must be two Prud'hommes at least on these occasions, one of each class, accompanied by a public officer for the purpose of inquiring into facts and allegations made to them.

The Prud'hommes are invested by the law of 1806 with authority to procure the execution of the laws in general relating to manufactures within their jurisdiction, upon complaint made to them of any contravention. Among such contraventions are the neglect or fraudulent imposition of marks designed to indicate the authenticity or quality of goods; fraudulent artifices, having for their object to lower or raise the price of goods above or below that which they would bear under free competition; frauds in the use of weights and measures; wilful and malicious injury done to property in manufactories; as well as coalitions, whether of masters or workmen, under the law on that subject, for abusive purposes, when attempt or commencement shall have been made to give effect to such purposes.

A special

A special article of this branch of the law, along with a provision peculiarly applicable to the silk manufacture, relates to embezzlement of raw materials belonging to the manufacturer, and entrusted to the workman; an offence with regard to which the Prud'hommes are required to institute proceedings before the competent tribunals.

But upon all these subjects they can only act upon complaint made, in which case they are empowered to make their domiciliary visit of inspection, accompanied by a public officer, and subject to the conditions of such visit.

Besides their functions of arbitration of disputes, and the powers connected with these functions, the Prud'hommes are vested with a direct authority in matters of police connected with their special jurisdiction. By the decree of 3d August 1809, it is provided (Art. 4), that every offence (délit) tending to disturb the order and discipline of the manufactory (atelier), and every serious breach of duty on the part of apprentices towards their masters, may be punished by the Prud'hommes by imprisonment not exceeding three days, without prejudice to the general laws applicable in such cases. It is explained that among the offences comprehended within the above provision are disputes, insubordination, failure of respect, disobedience, gross or insulting language. In offences of this kind (it is said) lies the germ of combinations of workmen, with all their destructive consequences. The instantaneous and paternal repression of such acts by an authority constituted like that of the Prud'hommes is calculated to afford the best means of avoiding more serious results.

The council of Prud'hommes are besides charged with the guardianship of property in designs; an object often of considerable interest and importance, and especially so with regard to the silk manufacture of Lyons.

ANALYSIS OF INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX with the Paging at which the same will be respectively found.

PAGE

Act 5 Geo. 4, c. 96 - - - - - - - - 295
Magistrates - - - - - - - - 315
Silk Trade, I. 5, II. 5 - - - - - - 326
Worship-street Police Court - - - - 336

Books and Accounts - - - - - - - - 297

Carpet Trade - - - - - - - - - 297
Kidderminster - - - - - - - - 314

Central Board - - - - - - - - 298

Chairman or President - - - - - - - 298
Stipendiary Magistrates - - - - - 329

COMPULSORY ARBITRATION:
1. *Evidence in favour of a compulsory System* 299
2. *Questions upon which Arbitration should be binding* - - - - - - - - 299
3. *Exceptions taken to a compulsory System* - 299

Conciliation (and Arbitration) Councils - - 300
Jurisdiction of Councils - - - - - - 313
Wages, 2 - - - - - - - - - 332

Conciliation (and Arbitration) Councils - - - 300
Appeal from Arbitration - - - - - - 296
Board of Trade - - - - - - - - 296
Bobbin-turners - - - - - - - - 296
Bookbinders - - - - - - - - - 297
Broad Silk Manufacturers - - - - - 297
Capital - - - - - - - - - - 297
Carpet Trade - - - - - - - - 297
Central Board - - - - - - - - 298
Chairman or President - - - - - - 298
Compulsory Arbitration - - - - - - 299
Constitution of Councils - - - - - - 300
Coopers - - - - - - - - - 301
Cotton Trade - - - - - - - - 301
County Boards of Conciliation - - - - 301
Deductions from Wages - - - - - - 301
District Boards - - - - - - - 301
Election of Arbitrators - - - - - - 302
Engineers, 7 - - - - - - - - 304

Conciliation (and Arbitration) Councils—continued. PAGE
Expense - - - - - - - - - 304
Glasgow - - - - - - - - - 308
Government Commissioner - - - - - - 308
Hosiery Trade, 2 - - - - - - - 311
Hours of Labour - - - - - - - 311
Initiatory Proceedings - - - - - - 313
Intercommunication - - - - - - - 313
Jurisdiction of Councils - - - - - - 313
Masters - - - - - - - - - 317
National Association of United Trades for the Protection of Industry - - - - - 318
Nottingham - - - - - - - - 320
Number of Councils - - - - - - - 320
Operatives - - - - - - - - 321
Potteries - - - - - - - - - 321
Procedure of Councils - - - - - - 323
Prud'hommes, Conseils de - - - - - 324
Public Opinion - - - - - - - 324
Remuneration of Arbitrators - - - - 325
Sanitary Regulations - - - - - - 325
Silk Trade - - - - - - - - 325
Standing Councils - - - - - - - 328
Strikes, 6 - - - - - - - - 330
Trades Unions - - - - - - - 331
Voluntary Arbitration - - - - - - 331
Wages, 2 - - - - - - - - 332

Constitution of Councils - - - - - - 300
Chairman or President - - - - - 298
Election of Arbitrators - - - - - 302
Prud'hommes, Conseils de - - - - - 324

Contracts (Wages) - - - - - - - - 301
Compulsory Arbitration - - - - - 299
Jurisdiction of Councils - - - - - 313
Wages, 2 - - - - - - - - - 332

Cotton Trade - - - - - - - - - 301

Deductions from Wages - - - - - - - 301
Hosiery Trade - - - - - - - - 311

Election of Arbitrators - - - - - - - 302
Registration of Workmen - - - - - - 324

ENGINEERS: PAGE

1. Formation in 1851 of the Amalgamated Society of Operative Engineers - - 302
2. Objects of the Operatives' Combination - 302
3. Association of Master Engineers in order to resist the Demands of the Men - - 302
4. Duration and Result of the Strike or Lock-out - - - - - - - - 302
5. Question as to Intimidation having been practised - - - - - - - 302
6. As to the Opinion, adverse to the Men, given by Lord Cranworth - - - - - 302
7. Result if there had been a means of reference to Arbitration - - - - 304

Government Commissioner - - - - - - 308

HOSIERY TRADE:

1. As to the great Depression among the Operatives, and the Deductions under the Frame-rent System - - - - - 311
2. As to the want of Legislative Interference, and the advantages of Boards of Arbitration - - - - - - - - 311

Initiatory Proceedings - - - - - - - 313
Intercommunication - - - - - - - - 313
Jurisdiction of Councils - - - - - - 313
- Compulsory Arbitration - - - - - 299
- Constitution of Councils - - - - - 300
- Deductions from Wages - - - - - 301
- Initiatory Proceedings - - - - - 313
- Machinery - - - - - - - - 315
- Prud'hommes, Conseils de - - - - - 324
- Wages, 2 - - - - - - - - 332

Limited Liability - - - - - - - - 314
Machinery - - - - - - - - - 315
Magistrates - - - - - - - - - 315
- Act 5 Geo. 4, c. 96 - - - - - - 295

Masters - - - - - - - - - - 317
- Combination of Masters - - - - - 298
- Strikes - - - - - - - - - 329

Middlemen - - - - - - - - - 317
Miners - - - - - - - - - - 317

NATIONAL ASSOCIATION OF UNITED TRADES FOR THE PROTECTION OF INDUSTRY:

1. Generally as to the Constitution of the Association - - - - - - 318
2. Proposition by the Association in regard to Arbitration - - - - - - 319
3. Settlement of Disputes through the Operation of the Association - - - - 319

- Bobbin-turners - - - - - - - 296
- Salt Trade - - - - - - - - 325

Number of Councils - - - - - - - 320

Operatives - - - - - - - - - 321
- Strikes - - - - - - - - - 329
- Trades Unions - - - - - - - - 331
- Wages - - - - - - - - - 332

Overtime - - - - - - - - - 321
- Engineers, 2. 3 - - - - - - - - 303

Piecework - - - - - - - - - 321
- Compulsory Arbitration - - - - - 299
- Engineers, 2. 3 - - - - - - - - 303
- Jurisdiction of Councils - - - - - 300

POTTERIES:

1. System of Voluntary Arbitration in successful operation - - - - - - 321
2. Practice of hiring for 12 Months, with a condition about Arbitration - - 322
3. Disputes through the "good from oven system;" the same considered - - - 322
4. General feeling in the District in favour of Boards of Arbitration - - - - 322
5. Rate of Wages in the Trade - - - 322
6. Other Evidence generally - - - 322

Preston Strike - - - - - - - - 322

Printers - - - - - - - - - - 323

Procedure of Councils - - - - - - - 323
- Books and Accounts - - - - - - 297
- Closed Courts - - - - - - - 298
- Prud'hommes, Conseils de - - - - - 324

Prud'hommes, Conseils de - - - - - - 323
- Belgium - - - - - - - - - 296
- Chevalier, Michel - - - - - - - 298
- Expense - - - - - - - - - 304

Public Opinion - - - - - - - - 324

Remuneration of Arbitrators - - - - - 325
- Costs - - - - - - - - - 301

SILK TRADE:

I. Macclesfield:

1. Origin of the Board of Arbitration in 1849 - - - - - - 325
2. Constitution of the Board - - 326
3. List of Prices laid down by it - 326
4. Duration and Operation of the Board; its Advantages and Disadvantages - - - - 326
5. Act 5 Geo. 4, c. 96 - - - 326
6. Generally as to Prices in the Trade 326

II. Spitalfields:

1. As to the general Conduct and Condition of the Trade - - - 326
2. Origin of Strikes - - - - 327
3. Distressed Condition of the Operatives - - - - - - 327
4. As to the Scale of Prices under a former Act - - - - 327
5. Act 5 Geo. 4, c. 96 - - - 327
6. Evidence in favour of Boards of Arbitration - - - - 327

- Act 6 & 7 Vict. c. 40 - - - - - 295
- Broad Silk Manufacturers - - - - 297
- Magistrates - - - - - - - - 315
- Ticket Act - - - - - - - - 330

PAGE

Standing Councils - - - - - - - - - - - 329
Constitution of Councils - - - - - - - 300
Prud'hommes, Conseils de - - - - - - - 324

Strikes:
1. *Origin of Strikes* - - - - - - - 329
2. *Injurious effect, directly and indirectly* - 329
3. *Question as to which Party soonest yields* - 330
4. *Number of Strikes of late years* - - 330
5. *Temperate manner in which conducted* - 330
6. *Prevention of Strikes if there were Boards of Arbitration* - - - - - - 330

Carpet Trade - - - - - - - - - 297
Education - - - - - - - - - 302
Engineers - - - - - - - - - 302
Intercommunication - - - - - - - 313
Joiners (Glasgow) - - - - - - - - 313
Limited Liability - - - - - - - - - 314
Miners - - - - - - - - - - 317
Notice of Reduction of Wages - - - - 320
Press, The - - - - - - - - 322
Preston Strike - - - - - - - - 322
Silk Trade, II. 2 - - - - - - - 326
Tailors - - - - - - - - - 330
Trades' Unions - - - - - - - 331

PAGE

Tailors - - - - - - - - - - 330

Trades' Unions - - - - - - - - - 331
Capital - - - - - - - - - 297

Voluntary Arbitration - - - - - - - 331
Bobbin Turners - - - - - - - - 296
Bookbinders - - - - - - - - - - 297
Carpet Trade - - - - - - - - 297
Compulsory Arbitration - - - - - - 299
Conciliation (and Arbitration) Councils - - 300
Jurisdiction of Councils - - - - - - 313
Kidderminster - - - - - - - - 314
National Association of United Trades for the Protection of Industry - - - - - - 318
Potteries - - - - - - - - - 321
Printers - - - - - - - - - 323
Silk Trade, I. - - - - - - - - 325
Tailors - - - - - - - - - 330

Wages:
1. *Generally* - - - - - - - 332
2. *As to Interference on the part of the proposed Councils* - - - - - - 332
Compulsory Arbitration - - - - - - 299
Contracts (Wages) - - - - - - - 301
Notice of Reduction of Wages - - - - 320
Payment of Wages - - - - - - - 321
Strikes - - - - - - - - - 329

I N D E X.

[*N. B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions of the Evidence; those following *App. p.* to the Paging of the Appendix; and the Numerals following *Rep. p.* to the Paging of the Report.]

A.

ACT 5 *Geo.* 4, *c.* 96. Inoperative character of the present Arbitration Act, *Winters* 115, 116. 167–173. 279–284. 377; *Andrews* 1169–1173; *Smith* 1333, 1334; *Hollands* 2420–2422. 2536–2539; *Avent* 2747——Appointment of arbitrators or referees provided for by the Act, *Winters* 118. 123. 167–171——Advantages of employer over employed under the present system of arbitration, *ib.* 390–394——Inoperativeness of the Act through the objection of workmen to come before magistrates, and through the Act not being generally known, *Humphries* 553–559. 596; *Molesworth* 757–762. 771–773. 845–848; *Newton* 1522–1526. 1540, 1541. 1558–1565; *Dunning* 2151–2155. 2158; *Avent* 2724. 2747.

Statement showing that many trades do not come within the scope of the Act at all, *Humphries* 555–557. 573——Dislike to the Act which renders it inoperative, *Felkin* 1006. 1094——The Act was not known to witness before the present inquiry, nor is its existence generally known to workmen, *Forster* 1218. 1258, 1259. 1262. 1291, 1292——Difficulty of satisfying both masters and men by the provisions of the Act, *ib.* 1260–1262.

Objection to the compulsory arbitration under the Act, the same not being general, *Smith* 1331, 1332——Inexpediency of the restriction consequent upon submitting to the compulsory terms of the Act, *Gladstone* 1493——Inapplicability of the Act in regard to future contracts, unless both parties agree to come under the Act, *Newton* 1523——Unsatisfactory operation of the Act, though in principle it goes far towards the end desired, *Ferdinand* 1832–1842——The Act is not sufficiently imperative, *Avent* 2720. 2723. 2748.

Provisions of the Act adverted to by the Committee; principal causes which render it nearly inoperative and a failure, *Rep. p.* iii——Suggested re-construction of a portion of the Act, so that masters and men may be enabled to appoint referees who should have power to elect a chairman unconnected with either side, *ib.*

See also *Magistrates.* *Silk Trade*, I. 5, II. 5. *Worship-street Police Court.*

Act 6 *&* 7 *Vict., c.* 40. Clause in the Act 6 & 7 Vict., c. 40, quoted in order to show that it does not apply to silk weavers, *Ferdinando* 2280. 2308.

Explanation as to witness having interpreted the Act as applicable to silk weavers as well as to frame-work knitters, *Hammill* 2349–2367.

Act 8 *&* 9 *Vict., c.* 128. Beneficial system of arbitration, under this Act, with reference to silk weavers, *Winters* 193. 255.

Andrews, John. (Analysis of his Evidence.)—Carpet-weaver; in the employment of Messrs. Henderson, of Durham, 1126–1130——Particulars as to an arrangement in 1839, for an equalization of wages, between the carpet manufacturers for the purpose of preventing strikes and adjusting disputes, 1131–1134. 1137, 1138——Witness was selected by his fellow workmen to represent them before the Committee, and consulted with Mr. Henderson before coming, 1135, 1136——Temporary strike in 1843, in consequence of a strike through a reduction of ten per cent. by a firm not in the association of manufacturers, 1139.

Annual meeting of the master manufacturers, and mode of communication thereat between them and the workmen, 1139–1143. 1183, 1184. 1187——About 26 firms in Yorkshire and Durham are members of the association; these are the majority in the trade, and employ from 2,000 to 3,000 men, 1144, 1145. 1152–1156——Instances of the masters having agreed to advances of wages on the representations of the men, 1146, 1147——Instance of an advance having been, after a time, disallowed, the explanation of the masters being satisfactory to the men, 1147–1151.

Report, 1856—*continued.*

Andrews, John. (Analysis of his Evidence)—*continued.*

Exceedingly beneficial operation of the masters' association, not only as regards the wages of their own workmen, but in stopping strikes and keeping up wages in the case of firms out of the association, 1157. 1164, 1165. 1174, 1175. 1183–1189. 1199. 1214, 1215——Efforts made by the operatives in the carpet trade to induce the operatives in the cotton trade to submit their disputes with their masters in 1855 to arbitration; refusal of the masters to agree thereto, 1157–1159. 1193——Wages form the chief matter discussed in the Carpet Trade Association, 1160–1163.

Advantages anticipated from a general system of arbitration to be binding on all parties who seek it, 1166–1182. 1190 *et seq.*——Rare instances of the Arbitration Act being made use of, 1169–1173——Defective state of the law in there being no power to compel arbitration, 1176, 1177. 1193, 1194——Limited extent to which the question of wages could be interfered with by arbitration; check however upon undue reduction, 1178. 1180–1182. 1191. 1198–1204——Separate association of Scotch carpet manufacturers adverted to, 1185, 1186——Suggestions with regard to the constitution of the contemplated councils of arbitration, 1191, 1192. 1195–1197——Great importance of preventing strikes, 1210, 1211——Greater injury to masters than to men when strikes take place, 1211–1215.

Appeal from Arbitration. There should be two Boards in each district, one for hearing and determining disputes as they arise, and the other as a Board of Appeal and Conciliation, *Winters* 184——The Court of Appeal should be elected for three years, *ib.*

Apprentices. Inexpediency of combinations against the employment of apprentices, *Molesworth* 681–683.

Arbitration. See *Act* 5 *Geo.* 4, *c.* 96. *Compulsory Arbitration. Conciliation (and Arbitration) Councils. Government Commissioner. Magistrates. Prud'hommes, Conseils de. Voluntary Arbitration.*

Avent, Joseph. (Analysis of his Evidence.)—Is a journeyman compositor, 2715——Considers that Councils of Conciliation would tend to prevent strikes, and to improve the condition of both masters and workmen, 2716–2718. 2738–2741——Unsatisfactory system of arbitration provided by the Act 5 Geo. 4, c. 96, 2718. 2723–2725. 2747, 2748——Mode of arbitration recently provided by the master and operative compositors, in consequence of their dissatisfaction with the decisions of the law in cases of dispute; it has not yet been put in practice, 2718–2721. 2724, 2725. 2732.

Suggestions to the effect that an Act be passed, permitting every trade to form an arbitration council for itself, 2720–2726——When arbitration is mutually agreed to, the decision should be binding, 2722, 2723. 2733, 2734. 2748——The arbitrators should elect their own chairman, 2727, 2728. 2742——Appointment by the compositors' tribunal of a barrister as chairman, 2727——Payment of the chairman by the day, 2729, 2730.

If only one party be anxious for arbitration, he should still be able to bring the case before the council, 2731–2733——There should be no interference with the rate of wages, 2734, 2735——Mode of remuneration of the compositors' committee of operatives, 2736–2738——The losing party pays the expenses, 2737——The money saved generally by the prevention of strikes might provide trades' libraries, or means of education, &c., 2738–2741.

The councils should make their own regulations about their expenses, &c., 2743, 2744——Particular districts and trades should have separate councils, 2745——Appointment by the compositors of an operatives' committee, which meets weekly, and settles trival matters, as well as of a standing arbitration committee, which is elected every three months, 2749–2756.

B.

Basketmakers. Union in 1846 of master basketmakers at Wolverhampton adverted to; object and effect thereof, *Winters* 442–444.

Belgium. Documents submitted by his Excellency M. Van de Weyer relative to the operation of the Conseils de Prud'hommes in Belgium, *App. p.* 281.

History of the establishment of the Councils; they now exist in twelve towns, *App.* 285.

Board of Trade. Expediency of the local Boards of Arbitration being extensions of the Board of Trade, *Essery* 962. 984. 986, 987.

Boards of Arbitration. See *Conciliation (and Arbitration) Councils.*

Bobbin-turners. Disputes about two years ago, and recently, in the bobbin-turners' trade at Holme, in Yorkshire; satisfactory settlement of the same through the mediation of the National Association of United Trades, *Winters* 59–69——The Factory Act did not apply in this case, but the masters and the men placed themselves by mutual agreement under its operation, *ib.* 61, 62. 66–69.

Report, 1856—*continued.*

Bookbinders. Particulars relative to several strikes among the operative bookbinders in London, showing the causes of the same, and how far they might have been prevented by Boards of Arbitration, *Dunning* 2149, 2150. 2202–2226——Course pursued by the Bookbinders' Association, in the event of disputes in the trade about wages, *ib.* 2180–2182. 2218–2224——Payment in the trade by time and by piece-work, time-work being the superior work, *ib.* 2183, 2184——Dispute in consequence of a master employing men not in the trade; probability that this would have been settled if there had been a court of arbitration, *ib.* 2204-2214. 2225, 2226.

Books and Accounts. In cases of arbitration, it is not contemplated that the masters should produce their books and accounts, *Winters* 106. 332, 333——Though inconvenient and embarrassing, there should be a compulsory power as to the production of books and papers, *Molesworth* 904-907. 951——Sufficiency of the evidence of the masters, without any production of their books, *M'Donald* 2090–2092——Practice in regard to the production of the masters' books before the arbitration tribunal in the Potteries' district, *Hollands* 2436.

Boot and Shoe Trade. Rules passed in London, in 1853, by masters in the trade against the employment of men belonging to any trades' union, *Winters* 237–239——Aftera, long dispute and strike, a few years ago, the masters and men met together in that year and their differences were arranged, *ib.* 341, 342.

Bradford. There have been no general strikes in the district around Bradford, nor has there been any strike among witness's men, *Forster* 1217. 1220, 1221. 1247, 1248——There is no association among witness's workmen, nor in the immediate locality, and special measures for preventing strikes in the district are not necessary, *ib.* 1246–1253. 1265. 1286, 1287. 1299, 1300.

Broad-silk Manufacturers. Approval, by the broad-silk manufacturers of London, of the proposed Boards of Arbitration; resolution agreed to by them upon the subject, *Humphries* 518. 635.

C.

Capital. Effects of extensive organizations in checking the investment of capital, *Molesworth* 724–735——Undue interference of the proposed courts with the investment of capital, *Smith* 1397–1399——Belief that there would not be less capital in trade if prices were regulated as proposed by witness, *Ferdinand* 1812–1820.

See also *Limited Liability.*

Carpet Trade. Views of the carpet weavers of the North of England in favour of the arbitration principle, *Winters* 510, 511.

Particulars as to an Arrangement or Masters' Association, in 1839, for an equalization of wages between the carpet manufacturers, for the purpose of preventing strikes and adjusting disputes, *Andrews* 1131–1134. 1137, 1138——Support rendered by the men and masters in the association to men out of the association, in the event of their combining against undue reduction, *ib.* 1138. 1164. 1214, 1215——Temporary strike in 1843, in consequence of a strike through a reduction of 10 per cent., by a firm not in the Association of Manufacturers, *ib.* 1139—— Annual meeting of the master manufacturers, and mode of communication thereat between them and the workmen, *ib.* 1139–1143. 1183, 1184. 1187.

About twenty-six firms in Yorkshire and Durham are members of the association; these are the majority in the trade, and employ from 2,000 to 3,000 men, *Andrews* 1144, 1145. 1152–1156—— Instances of the masters having agreed to advances of wages on the representations of the men, *ib.* 1146, 1147——Instance of an advance having been, after a time, disallowed, the explanation of the masters being satisfactory to the men, *ib.* 1147–1151——Exceedingly beneficial operation of the association, not only as regards the wages of their own workmen, but in stopping strikes and keeping up wages in the case of firms out of the association, 1157. 1164, 1165. 1174, 1175. 1183–1189. 1199. 1214, 1215.

Wages form the chief matter discussed in the Carpet Trade Association, *Andrews* 1160–1163——Better feeling between masters and men, through the system of intercommunication, *ib.* 1188, 1189—— Separate association of Scotch carpet manufacturers adverted to, *ib.* 1185–1186——Instances of strikes in the trade, whereby the masters were the chief sufferers, *ib.* 1211, 1212.

Letter, in May 1854, from Mr. William Henderson, chairman of the Carpet Manufacturers' Association of the North of England, with reference to strikes in the carpet trade, and the means of preventing the same, *App. p.* 255.

Statement of the North of England workmen, calling upon the masters and workmen in Lancashire to submit their disputes to arbitration, *App. p.* 255, 256.

See also *Kidderminster.*

Report, 1856—*continued.*

Central Board. A general supervision should be vested in one distinct and independent Board, *Humphries* 581——There should be a Central Board in each town; how constituted, *ib.* 582, 583——Importance of a General Board, or committee; their intervention would, in most cases, prevent the necessity of arbitration, *Maitland* 2691.

Further suggestions by Mr. Humphries for a Central or General Board in all districts where local Boards are established; it should endeavour to settle disputes so as to prevent calling out the Board of Arbitration, *App. p.* 259.

Certificates of Character. Doubt as to the necessity of a provision that every workman on leaving a locality should receive a certificate as to his character, *Felkin* 1083–1088.

Chairman or President. The chairman of each Board of Arbitration should be independent of either party, and should be appointed by Government, *Humphries* 592, 593; *Ferdinand* 1805–1810. 1830; *Maitland* 2573. 2692–2695——He should be paid by Government, *Humphries* 592, 593——Difficulty in the way of county court judges as presidents of the proposed councils, *ib.* 594——Suggested division of England into five districts, for each of which a person should be appointed as president of local tribunals, *Molesworth* 876——The president for each district should be a paid officer, and should be permanently appointed, *ib.* 884, 885.

There should be some independent person as chairman, with a casting vote, *Felkin* 1075; *Newton* 1551; *Howsham* 1686, 1687——The umpire or chairman need only be a man of sound discretion and honesty, *Andrews* 1205——The factory inspectors or chairmen of quarter sessions might give satisfaction as umpires, *Forster* 1263–1265——Doubt as to the propriety of the president being appointed by the Government, inasmuch as workmen would not have sufficient confidence in him, *Newton* 1551–1557——Approval of a chairman possessing legal attainments, *Newton* 1552, 1553; *Ferdinando* 2249.

The arbitrators should elect their own chairman, *Ferdinando* 2249; *Avent* 2727, 2728. 2742——How he might be paid, *Ferdinando* 2249——If possible the services of a chairman should not be called in, *ib.* 2250——Considerable difficulty in regard to the selection of a practical and impartial umpire from among masters and middlemen or operatives, *Hammill* 2326–2335. 2369–2377——Importance of a court of arbitration for settling disputes if a proper chairman can be provided, *ib.* 2330–2333. 2369.

The arbitrators should if possible select their own chairman, but in the event of their disagreement he might be appointed by Government, *Hollands* 2441–2445. 2448, 2449. 2453. 2532——Advantage of a manufacturer over a lawyer as chairman, *ib.* 2450–2452——The chairman should be independent of either party, and might be selected either by the council or the Government, *Proudfoot* 2846. 2851. 2855–2860——In Scotland the sheriff would be an eligible person for chairman, *ib.* 2858–2860.

Suggestion by Mr. Humphries that all the powers of a justice of the peace be vested in the chairman, *App. p.* 258.

See also *Stipendiary Magistrates.*

Cheapness in Trade. Evidence to the effect that the rage for cheapness in price as distinguished from goodness in quality will in time have a sure and damnifying effect upon the manufacturing trade of this country, *Felkin* 1099–1101. 1108–1122——Anticipated check to undue cheapness in manufacture by the establishment of courts of arbitration and the introduction of competition for good articles, *ib.* 1101–1104. 1119——Less tendency in France than in this country to over competition as to cheapness independently of quality, *ib.* 1102. 1113.

Chevalier, Michel. Quotations from the written opinions of M. Chevalier in favour of the Conseil de Prud'hommes at Lyons, and of similar councils generally, *Lord Goderich* 2825, 2826.

Closed Courts. For several reasons it were better that the Courts of Conciliation were closed rather than open, *Molesworth* 959.

Combinations of Masters. Instances of associations of masters adverted to as showing the power of combination on their part, *Winters* 430–444——Reference to a manufacturers' association at Manchester as having originated through the Preston strike, *Humphries* 544–551——Combinations of masters as of workmen, though necessary sometimes, are alike injurious and objectionable, *Molesworth* 698, 699.

Tendency of late years to more extended combinations both of masters and men, *Molesworth* 786, 787——Combinations of workmen are more frequent than of masters, and have in fact led to the latter, *ib.* 801. 808–811——Greater difficulty for the masters than for the men to work together unitedly in combination, *Molesworth* 802–807; *Smith* 1405–1408. 1413–1415.

Combinations of Workmen. See *National Association of United Trades for the Protection of Industry. Strikes. Trades' Unions.*

Competition. Greater effect of competition in trade than of strikes upon the rate of wages, *Molesworth* 792–796——Advantage to operatives of competition among their masters, *Smith* 1409–1412——Injurious effect of home competition, and depression of wages, upon the masters as well as upon the men, *M'Donald* 2103, 2104.

Compositors. See *Printers.*

Compulsory Arbitration:

1. *Evidence in favour of a Compulsory System.*
2. *Questions upon which Arbitration should be binding.*
3. *Exceptions taken to a Compulsory System.*

1. *Evidence in favour of a Compulsory System:*

Great benefits anticipated from a summary decision by a Board of Arbitration, comprised of masters and workmen, more especially in the case of disputes in all trades that work by the piece, *Winters* 180–183. 227——All masters and men agreeing to accept the proposed Arbitration Courts should be bound by their decisions on the points submitted to them, *Winters* 184. 329, 330. 333; *Humphries* 560, 561. 570–572; *Andrews* 1166–1182. 1190 *et seq.*; *Maitland* 2576. 2579; *Avent* 2722, 2723. 2733, 2734. 2748——Means of the proposed Boards for enforcing obedience to terms entered into in arbitration, *Winters* 455–459.

Opinion as to the expediency of compelling a minority of masters in any district to submit to the jurisdiction of the Boards, *Humphries* 562–569; *M'Donald* 2027–2033. 2054 *et seq.*——Defective state of the law in there being no power to compel arbitration, *Andrews* 1176, 1177. 1193, 1194——The majority in the trade should rule the minority, *Ferdinand* 1804. 1848–1850——The decisions of the Board should be final, both as regards workmen and masters, *ib.* 1848–1851. 1856–1858.

Advantage, on the whole, of conferring legal powers on the proposed Boards, *M'Donald* 2085–2089——Difficulty in rendering arbitration compulsory if there be only one tribunal to which to appeal, *Dunning* 2159. 2165. 2169–2171. 2228–2231——When both parties concur about arbitration, or when the first tribunal decide that arbitration is proper, the decision of the arbitrators should be compulsory, *ib.* 2159, 2160. 2169–2172. 2228–2231——In the event of either masters or workmen requiring arbitration it should be granted, and should be compulsory upon certain questions, *Ferdinando* 2243–2246. 2251.

2. *Questions upon which Arbitration should be binding:*

The Court of Conciliation should have power summarily to decide all cases brought before it relative to past contracts, *Winters* 193. 249, 250. 255——Evidence with respect to legislation for future cases, to the effect that it should not be compulsory either as regards wages, or anything else, without the consent of both parties, *ib.* 249, 250. 381–383. 455–459——In all cases of lengths, widths, qualities, &c., the Court or Board should have similar powers as are now vested in justices of the peace, *ib.* 381 *et seq.*——Propriety and practicability of making the arbitration compulsory in almost all matters save the direct question of wages, *Molesworth* 867–873. 914. 968, 969.

Questions upon which the powers of the tribunals should be compulsory, *Felkin* 1028, 1029. 1034–1038. 1089–1092; *Hollands* 2485–2497; *Lees* 2967, 2968. 2989–2991——Impracticability of the councils interfering as regards future contracts, or settling how long a certain rate of wages, or a certain practice as to overtime, &c. shall continue, *Newton* 1523–1525——On all retrospective questions, or matters of contract, the decision of the council should be binding, *Proudfoot* 2852. 2864, 2865. 2868.

The Boards, as licensed by the Secretary of State, should have power to decide all questions relating to existing contracts, and to enforce its decisions, *Rep.* iv.

3. *Exceptions taken to a Compulsory System:*

Evidence to the effect that the compulsory award of a Court of Arbitration, in the case of a dispute between a particular master and his workmen, would be impracticable or unjust, inasmuch as it would make invidious distinctions in the same trade, *Smith* 1319 *et seq.* 1367–1370. 1390 *et seq.*——Impolicy of any compulsory system of arbitration in the case of future contracts, *Smith* 1427–1441; *Forster* 1756, 1757——Objection generally to the principle of compulsory arbitration between employer and employed, *Smith* 1430–1436——Inexpediency of the majority of the trade having power to bind the minority, *ib.* 1452.

Opinion that compulsory powers cannot well be vested in the contemplated councils, *Slaney* 2122, 1223. 2133–2137——Doubt as to the expediency at first of rendering it compulsory on masters and workmen to establish Boards of Arbitration, *Hollands* 2484. 2500, 2501. 2530, 2531.

See also *Conciliation (and Arbitration) Councils. Jurisdiction of Councils. Wages*, 2.

Report, 1856—*continued.*

Conciliation (and Arbitration) Councils. Anticipated settlement of disputes, and advantages otherwise, through means of the contemplated Councils or Boards, *Winters* 112 *et seq.*; *Essery* 962. 981–991; *Felkin* 1006. 1010, 1011; *Andrews* 1166 *et seq.*; *Howsham* 1691 *et seq.*; *Slaney* 2120. 2122. 2124, 2137–2141——Expediency of a ready access to means of arbitration when a dispute arises, *Molesworth* 773, 774——Some time must elapse before the people of this country would be habituated to the action of the proposed tribunals, *Felkin* 1033. 1036. 1042——Definition of the proposed Councils of Conciliation as evils in themselves, and undesirable in the abstract, though, as a means of preventing the greater evil of strikes, they may be expedient, *Forster* 1237, 1238. 1240, 1241. 1257. 1290.

Through the investigations of the councils, the force of reason, as well as the effect of public opinion, would have a most beneficial effect, *Newton* 1519. 1540–1542——Benefit anticipated from the conciliatory operation of the councils, should it be decided that their awards were not to be compulsory, *M'Donald* 2031, 2032. 2087. 2094–2096; *Sir H. Halford* 2807, 2808. 2812. 2816——The term conciliation would apply more than the term arbitration, *Proudfoot* 2847.

The cases in which the courts might be useful are not so general as to render their establishment desirable, *Smith* 1346. 1396.

Advantages anticipated by the Committee from the formation of Courts of Conciliation, more particularly in the large commercial and manufacturing and mining districts, *Rep. p.* iv.

See also *Appeal from Arbitration. Board of Trade. Bobbin-turners. Bookbinders. Broad-silk Manufacturers. Capital. Carpet Trade. Central Board. Chairman or President. Compulsory Arbitration. Constitution of Councils. Coopers. Cotton Trade. County Boards of Conciliation. Deductions from Wages. District Boards. Election of Arbitrators. Engineers, 7. Expense. Glasgow. Government Commissioner. Hosiery Trade, 2. Hours of Labour. Initiatory Proceedings. Intercommunication. Jurisdiction of Councils. Masters. National Association of United Trades for the Protection of Industry. Nottingham. Number of Councils. Operatives. Potteries. Procedure of Councils. Prud'hommes, Conseils de. Public Opinion. Remuneration of Arbitrators. Sanitary Regulations. Silk Trade. Standing Councils. Strikes, 6. Trades' Unions. Voluntary Arbitration. Wages, 2.*

Conseils de Prud'hommes. See *Prud'hommes, Conseils de.*

Constitution of Councils. Evidence in favour of each Council or Board, comprising delegates chosen by masters and workmen, and presided over by some impartial person, *Winters* 112. 152–155. 175–177. 180 *et seq.* 378; *Higginbotham* 1944–1950. 1960–1962; *Essery* 2547, 2548; *Maitland* 2572–2575——Difference of opinion among workmen as to the detailed constitution of the proposed Board of Conciliation, *Winters* 154, 155. 183——The Board should be elected for twelve months, *Winters* 184; *Ferdinand* 1845. 1847——Importance of the Courts of Arbitration being uninterested either in employers or in employed, *Winters* 395–397. 405–411.

Suggestions with regard to the detailed constitution of the contemplated councils, *Humphries* 584. 630–632, and *App. p.* 258; *Andrews* 1191, 1192. 1195–1197——There should be an equal number of masters and men on each Board to be elected by each party, *Humphries* 584; *Newton* 1528. 1550; *Howsham*, 1686; *Dunning* 2148, 2149. 2156, 2157. 2161–2164. 2172; *Ferdinando* 2243; *Proudfoot* 2851. 2855——As each dispute arose, an equal number of masters and operatives should be selected as members of the tribunal, the president exercising a general control, and having a casting vote, *Molesworth* 876. 889–891. 895–897. 902, 903——Sufficiency of a general and indirect representation of employers and employed in the contemplated courts, *Felkin* 1010.

Difficulty in regard to a proper representation of masters and men on the proposed councils, *Forster* 1242–1244. 1262–1273——Six masters, six workmen, and a president would be quite sufficient for a Board, *Ferdinando* 1846——Slight use, with respect to an ultimate decision, of so many masters and so many operatives on a Board of Arbitration, inasmuch as they are sure to divide equally, and thus negative each other, *Hammill* 2330, 2331. 2348. 2368.

Belief that masters and workmen serving on a Board would not, as a matter of course, vote against each other, *Hollands* 2427——The arbitrators on the part of the workmen should be selected from those in actual employment, *ib.* 2459, 2460——The arbitrators might be elected for three years, *ib.* 2615——Five delegates from each side would be a good number, *Maitland* 2688–2690——Importance of the workmen being properly represented, *Sir R. Halford* 2806.

See also *Chairman or President. Election of Arbitrators. Prud'hommes, Conseils de.*

Contracts (*Wages*). Difficulty in adopting a system of contract between master and men so framed that employment and wages may be regulated as in the case of a domestic servant, *Molesworth* 849–855. 863–866——Propriety of contracts for wages coming under the jurisdiction of the tribunal, *Felkin* 1013. 1015. 1018. 1049——Doubt as to the prevention of disputes by a different system of hiring or contract between employers and employed, *Forster* 1307–1309——Impracticability in the bookbinders' and other trades of a system of long contracts; such contracts are not desired by masters or workmen, *Dunning* 2186–2189——The common law of Scotland, though empowered to deal with retrospective cases, is not suitable for the purpose, *Proudfoot* 2852–2855.

See also *Compulsory Arbitration.* *Jurisdiction of Councils.* *Wages*, 2.

Coopers (*Glasgow*). Reference to a paper from the coopers of Glasgow showing the evil effects of strikes, and advocating the establishment of Courts of Arbitration, *Proudfoot* 2935–2937.

Costs. There should be a power to make the losing party pay costs, *Hollands* 2447. 2502–2504; *Avent* 2737. *See* also *Prud'hommes, Conseils de.*

Cotton Trade. Efforts made by the operatives in the carpet trade to induce the operatives in the cotton trade at Manchester to submit their disputes with their masters, in 1855, to arbitration; refusal of the masters to agree thereto, *Andrews* 1157–1159. 1193.

Views of the cotton spinners of Scotland in favour of the establishment of Courts of Arbitration, presided over by an independent chairman, *Lees* 2961 *et seq.*——Reference to a representation from the operative cotton spinners of Scotland, showing the heavy losses suffered by them in strikes through the want of arbitration, and calling for legislative interference, *ib.* 2979——Unwillingness of many of the master cotton spinners to agree to arbitration, though the more honourable employers are not opposed thereto, *ib.* 2979, 2980. 2987, 2988. 2990——The cotton spinners in Scotland are not subjected to any system of truck, *ib.* 2982.

Councils of Conciliation and Arbitration. See *Conciliation, &c.*

County Boards of Conciliation. Suggested formation of county Boards of Trades, the members to be selected from the local Boards, and to be presided over by the high sheriff, *Essery* 987–991.

County Courts. Unsatisfactory settlement, through means of the present county courts, of disputes about wages; illustration thereof, *Essery* 2548–2553.

D.

Deductions from Wages. One of the objects of the National Association of United Trades is, "To secure to each member the whole of his wages, without deductions, under any pretext, and to enforce all payments to be made in the current coin of the realm, and not otherwise," *Winters* 6——Species of deduction from wages, which it is one of the objects of the association to prevent, *ib.* 99. 256 *et seq.*——Successful interference of the association in preventing deductions from wages as enforced for some time by a manufacturer at Bilston, *ib.* 100.

The proposed courts might properly deal with exorbitant stoppages from wages, as in the hosiery trade, *Newton* 1580, 1581.

See also *Hosiery Trade.*

Denmark. Constitution and operation of courts of arbitration in Denmark at the present time, *Essery* 984.

Denny, Messrs. (*Dumbarton*). Very serious dispute through Messrs. Denny turning away all their workmen who belonged to trades' unions, *Proudfoot* 2886–2888.

Derby. Origin of the Derby strike, which was very disastrous, in a question of abstract right, *Felkin* 1095.

District Boards. Facility for determining the district within which each Board should exercise jurisdiction, *Humphries* 635.

Dunning, Thomas Joseph. (Analysis of his Evidence.)—Secretary since 1840 to the Bookbinders' Association, 2147. 2167. 2200, 2201——Represents the opinions of the bookbinders' committee, 2148——Considers that arbitration tribunals would, if practicable, be most excellent institutions, as the means of preventing strikes, 2148, 2149. 2168 *et seq.* 2225–2228——The refusal to arbitrate proceeds almost always from the masters, 2148. 2196, 2197——Resort should first be had to some impartial official, who might be appointed by Government, and who should decide whether there should be an arbitration or not, 2148. 2158–2166. 2171, 2228–2240.

Difficulty in rendering arbitration compulsory, if there be only one tribunal to which to appeal, 2148. 2159. 2165. 2169–2171. 2228–2231——Importance of the tribunal, which

Report, 1856—*continued.*

Dunning, Thomas Joseph. (Analysis of his Evidence)—*continued.*

gives the ultimate decision, being impartially selected, and consisting equally of masters and operatives, 2148, 2149. 2156, 2157—— Particulars relative to several strikes among the operative bookbinders, showing the causes of the same, and how far they might have been prevented by Boards of Arbitration, 2149, 2150. 2202–2226——Inoperativeness of the Act 5 Geo. 4, through its not being generally known, and through the necessity of going before the magistrates, 2151–2155. 2158.

When both parties concur about arbitration, or when the first tribunal decide that arbitration is proper, the decision of the arbitrators should be compulsory, 2159, 2160. 2169–2172. 2228–2231——Advantage in the arbitrators being appointed by the masters and workmen, 2161–2164. 2172——Origin of disputes and strikes in the employers or employed striving to take advantage of the superabundance or deficiency of labour in the trade, 2172, 2173. 2185.

Impossibility of keeping up the rate of wages, when there is a permanent superabundance of labour, 2174, 2175. 2179——Probability of a decrease in wages preventing too many persons from entering any trade, 2176–2179——Course pursued by the Bookbinders' Association in the event of disputes in the trade about wages, 2180–2182. 2218–2224——Payment in the bookbinders' trade by time-work and piece-work, time-work being the superior work, 2183, 2184——Impracticability in the bookbinders' and other trades of a system of long contracts; such contracts are not desired by masters or workmen, 2186–2189.

Masters cannot be considered blameable for lowering wages when trade is slack, 2190–2195——Whilst cases are being settled by an arbitration tribunal, work need not cease, 2198, 2199——Approval of the rules of the printers' arbitration committee, 2226, 2227——Advantage if the preliminary tribunal could be elected by the trade, instead of by Government, 2237. 2240——Approval of the tribunal interfering in the case of any master of large capital, who issues a rule that all disputes must be settled between his workmen and himself, 2239, 2240.

E.

Education. Obstacle to strikes, if the working classes were soundly educated and better conversant with the law, *Winters* 420——The money saved generally by the prevention of strikes might provide trades' libraries, or means of education, &c., *Avent* 2738–2741.

Election of Arbitrators. Objection to the French system of the masters appointing the workmen, and the workmen the masters, *Molesworth* 918, 919. 944–949; *Newton* 1528——Mode in which representatives of the workmen might be selected by the local body, *Molesworth* 956–958——Difficulty in the mode of election, *Felkin* 1076–1078——Expediency of a system of trade statistics and registration, as in France, *ib.* 1077–1079——Approval of each trade appointing a delegate, and of the delegates appointing their representatives on the tribunal, *Newton* 1531–1536.

Suggestions relative to the electoral body in the pottery trade by whom the arbitrators for the workmen should be chosen, *Maitland* 2617–2626. 2684–2687——Mode of election of workmen as arbitrators under the present voluntary system, *ib.* 2622–2626. 2684, 2685——The parties respectively concerned should elect their own arbitrators, *Proudfoot* 2878. 2880——Non-interference with the progress of work in the pottery trade, whilst the arbitrators are being elected, *Hollands* 2516, 2517.

Electoral body in the case of the Conseils de Prud'hommes in France, *App.* 289.

See also *Registration of Workmen.*

Emigration. Circumstance of some strikes resulting in the emigration of workmen joining therein, *Molesworth* 738–742.

ENGINEERS:

1. *Formation, in* 1851, *of the Amalgamated Society of Operative Engineers.*
2. *Objects of the Operatives' Association.*
3. *Association of Master Engineers in order to resist the Demands of the Men.*
4. *Duration and Result of the Strike or Lock-out.*
5. *Question as to Intimidation having been practised.*
6. *As to the Opinion, adverse to the Men, given by Lord Cranworth.*
7. *Result, if there had been a means of Reference to Arbitration.*

1. *Formation, in* 1851, *of the Amalgamated Society of Operative Engineers:*

Particulars connected with the combination, in 1851, of the Amalgamated Society of Engineers; sundry objects sought to be attained thereby, *Winters* 240–248; *Molesworth* 648 *et seq.*——Effective organisation generally of clubs of engine-makers and engineers, *Molesworth* 711——The association formed in 1851 forced the men generally to combine, *ib.* 788——Extent and origin of the Amalgamated Society of Operative Engineers; it still exists, but is greatly mismanaged, *Smith* 1362. 1406.

The

ENGINEERS—continued.

1. *Formation, in* 1851—*continued.*

The amalgamared society still exists, but has no paid agents, *Newton* 1585, 1586——Objects of the society independently of the question of wages, *ib.* 1590——Denial that the operatives' association was influenced in its demands by persons not in the trade, *ib.* 1594. 1600.

2. *Objects of the Operatives' Association:*

Reference to the objects of the strike as being anything but fair trades' objects, and as being matters upon which the master engineers could not possibly admit of arbitration, *Smith* 1361. 1364–1366. 1478——Demand of the operatives for the abolition of overtime considered, *ib.* 1361. 1377–1381. 1487–1489——Demand also for abolition of piece-work, *ib.* 1361. 1375-1377——Utopian theories put forward by Mr. Newton and others, which induced the operatives to demand the abolition of overtime, &c., *ib.* 1377. 1467–1472. 1487–1489.

The majority of strikes generally in the trade have occurred irrespectively of the question of wages, *Newton* 1515——Evidence in justification of the demands put forward by the association, which were, chiefly the abolition of over-time and piece-work, *ib.* 1596, 1597. 1600. 1649–1655. 1657–1671——Successful strike in 1826 for a different rate of payment for over-time, *ib.* 1596——The systematic practice of over-time was the main thing objected to on that score; proper grounds for such objection, *ib.* 1597. 1653–1655. 1657–1671——Unanimity (with a few exceptions) of the association in favour of the abolition, *ib.* 1600.

Papers on the subject of the dispute delivered in, and explanations thereon, *Newton* 1610–1634, and *App. p.* 261 *et seq.*——Incorrect representations of the press in terming the dispute a strike on the part of the operatives; it was a lock-out by the masters, *Newton* 1641–1646.

Letter, dated 24 November 1851, from the members of the amalgamated society to their employers, with reference to the abolition of overtime and piece-work, *App. p.* 261, 262.

3. *Association of Master Engineers in order to resist the Demands of the Men:*

Particulars as to the combination among the working engineers, and as to the rules agreed to by an association of master engineers, in January 1852, with reference to the non-employment of men belonging to trades' unions, &c., *Winters* 240–248.

Witness, who is a solicitor, has acted as secretary to the Engineers' Association in London, and has been employed in organizing several other associations, *Smith* 1318. 1356. 1389. 1450, 1451. 1453–1455——Communication between the Engineers' Association in London, and other masters' associations throughout the country, *ib.* 1357, 1358——The functions of the association have nearly ceased, *ib.* 1359. 1407——Resolution arrived at by the masters to close their establishments which led to the strike, *ib.* 1361. 1364. 1458–1466——Difficulty felt in the association, and co-operation of the masters, *ib.* 1363, 1364. 1405. 1408. 1415. 1453.

The union of employers is still in existence, and still employs Mr. Sidney Smith as secretary, *Newton* 1585. 1587–1589.

Statement in detail put forward by the Masters' Association, dated 17 January 1852, showing the grounds upon which they resist the application for the abolition of over-time and piece-work, and commenting strongly upon the operations of the amalgamated society of operatives, *App. p.* 265–272.

4. *Duration and Result of the Strike or Lock-out:*

Long duration of the strike, so called, the men having held out for 36 weeks, notwithstanding that the press was against them, *Smith* 1360. 1449——Failure of the amalgamated society to carry out their demands, though they held out as long as possible, *ib.* 1405. 1413, 1414.

5. *Question as to Intimidation having been practised:*

Intimidation practised on some occasions by the operatives during the dispute, *Smith* 1387, 1388. 1488, 1489.

Incorrectness of the statement as to the engineers having resorted to intimidation, *Newton* 1601, 1602.

6. *As to the Opinion, adverse to the Men, given by Lord Cranworth:*

Decision given eventually by Lord Cranworth against the demands of the men, *Smith* 1384, 1385. 1416. 1449. 1479–1484.

Lord Cranworth's opinion or letter against the operatives was written on the day of the lock-out, *Newton,* 1592——The case was represented to Lord Cranworth in a partial

Report, 1856—*continued.*

ENGINEERS—continued.

6. *As to the Opinion, adverse to the Men, &c.*—continued.

manner, and his opinion was founded upon mistaken premises, *Newton* 1593. 1603-1610. 1635-1640.

Letter from Lord Ashburton to the "Times," dated 15 January 1852, with reference to Lord Cranworth's opinion upon the merits of the dispute, *App. p.* 262, 263.

Copy of Lord Cranworth's opinion, dated 10 January 1852, in which the conclusion is arrived at "that the men are in the wrong," *App. p.* 263, 264.

Statement by Lord Goderich, Messrs. Thomas Hughes, and A. Vansittart, dated 17 January 1852, that Lord Cranworth's opinion is grounded on a misapprehension of the facts, *App. p.* 265——Comment by the Secretary to the Amalgamated Society of Operatives upon the opinion of Lord Cranworth, *ib.*

7. *Result, if there had been a means of Reference to Arbitration:*

Probable prevention of the lock-out, if there had been Boards of Arbitration, *Winters* 248; *Dunning* 2148, 2149. 2228.

Inadequacy of a Court of Arbitration as a means of settling the dispute among the engineers, *Smith* 1367-1370——Doubt as to the operative engineers having been anxious or willing to submit their demands to arbitration, *ib.* 1382-1387. 1473-1477.

Offers made by the society in the lock-out of the masters in 1852 to submit the question between them to arbitration; refusal of the same by the masters, *Newton* 1592-1595. 1621-1630——The disputes would never have proceeded to extremity if there had been Councils of Arbitration in existence, *ib.* 1598, 1599. 1646, 1647. 1656.

Resolution of the executive council of the Amalgamated Society, dated 5 January 1852, to the effect that, if wished for by the Masters' Association, a deputation will wait upon them in reference to the questions in dispute, *App. p.* 273.

Letter, dated 6 January 1852, from the Secretary of the Central Association of Employers to the Secretary of the Amalgamated Society of Operatives, declining to recognise in any way the interference of the latter society, *App. p.* 262.

Essery, Robert. (Analysis of his Evidence.)—Secretary to a tailors' trade union in the West End of London, comprising 2,136 members, 961. 968-970——Considers that local Boards of Trade for the settlement of disputes in trade generally are greatly wanted; suggestions hereon, 962. 981-991——System of arbitration and mode of action otherwise adopted by the tailors' society in the event of a dispute between any member of the society and his employer, 962, 963.

Less frequent occurrence of strikes among the tailors of late years; causes thereof, 964-967——Inability of the workmen to resist the reductions which have been made in the rate of wages, 967. 972——Disputes generally arise about wages, payment being almost entirely for piece-work; illustration of the origin of such disputes, 971. 979, 980——Reduction of late years in the rate of wages; public meetings on the subject adverted to, 972-978.

System of arbitration adopted in Greece 2,000 years ago, 983-986——Constitution and operation of Courts of Arbitration in Denmark and Norway at the present time, 984——The system in France is based on the Roman law of arbitration; such law explained, 984-986.

Expediency of local Boards of Arbitration being extensions of the Board of Trade, 984. 986, 987——Suggested formation of County Boards of Trade, the members to be selected from the local Boards, and to be presided over by the high sheriff, 987-991——Nature of the opposition of the tailors' association to the sewing-machine; misapprehension among the public, to the injury of working tailors, in regard to the capabilities of this machine, 992-1001.

[Second Examination.]—In addition to the proposed County Courts, there should be local Boards of Arbitration, selected by the masters and operatives, and presided over by a coroner or barrister, 2547, 2548——Unsatisfactory settlement, through means of the present County Courts, of disputes about wages; illustration thereof, 2548-2553——Prevention of strikes among the tailors if there were local Boards as proposed, 2548. 2550. 2553-2555——Rare occurrence of strikes of any magnitude among tailors, 2556.

Expense. Opinion that the proposed Courts of Arbitration can be managed without much expense, *Maitland* 2679. 2710. 2713——Small expense in conducting the operations of the Lyons Conseil de Prud'hommes, *Lord Goderich* 2823.

See also *Costs.* *Prud'hommes, Conseils de.* *Remuneration of Arbitrators.*

Report, 1856—*continued.*

F.

Factory Rules. Discontent and ill-feeling produced by the rules in some factories in regard to breakage of glass or other injuries to property, the innocent being made to suffer for the guilty, *Winters* 353-368. 373, 374——All rules and regulations in factories should be confirmed by the Council of Conciliation, *ib.* 369, 370——Approval of the tribunal of arbitration interfering in the case of any master of large capital, who issues a rule that all disputes must be settled between his workmen and himself, *Dunning* 2239, 2240

Felkin, William. (Analysis of his Evidence.)—Lace and hosiery manufacturer at Nottingham; is a magistrate of the borough, 1002, 1003——Successful intervention of the bench at Nottingham in settling disputes without official adjudication, 1004——Considerable experience of witness in regard to strikes, 1005——Indisposition of employers as well as of employed to the interference, officially, of magistrates as arbitrators, 1006. 1094——Common feeling of masters and men in favour of courts of arbitration, so that strikes and magisterial interference may alike be obviated, 1006. 1010.

Belief that equitable councils of arbitration properly constituted would prevent strikes altogether, 1007-1010. 1016. 1023-1027——Slight matters which originate strikes, 1008——Sufficiency of a general and indirect representation of employers and employed on the contemplated courts, 1010——Evidence in favour of the adoption in this country of the principle of the "Conseils de Prud'hommes, such councils having been found most successful in France, 1011. 1036. 1039-1044——Absolute necessity of tribunals of arbitration as a protection to the trading interests of this country, 1011, 1012.

Adequacy of one tribunal to deal with all the trades of certain defined districts, 1013. 1032. 1072-1074——Propriety of contracts for wages coming under the jurisdiction of the tribunal, 1013. 1015. 1018. 1049——Impracticability of dealing with the actual rate of wages as one of the ordinary functions of the tribunal, 1014, 1015. 1017-1027. 1036, 1037. 1090, 1091——Benefits anticipated in regard to the rate of wages, from a publicity of the views thereon of the members of the tribunals, and from the effect of public opinion as to any non-compulsory tariff of wages put forward by that body, 1022-1027. 1030, 1031. 1035-1038. 1045-1048. 1089.

Questions upon which the powers of the tribunals should be compulsory, 1028, 1029. 1034-1038. 1089-1092——Probable effect of the tribunals upon the hours of labour, though the same should not be dealt with compulsorily, 1029. 1089. 1091. 1125——Satisfactory settlement of disputes in the hosiery trade, even of the question of frame-rent, if courts of arbitration had been established, 1030, 1031. 1049-1052. 1059-1061——Further reference to the advantages derivable from the intercommunication between the members of the tribunals, and from the subsequent publicity of the information coming before them, 1030, 1031. 1045-1048. 1070, 1071. 1089——Some time must elapse before the people of this country would be habituated to the action of the proposed tribunals, 1033. 1036. 1042.

Twofold tribunals suggested as in France, the final tribunal to determine all disputes not settled by the first tribunal, 1039-1041——Experience necessary in the persons to represent the masters and workmen, 1044. 1076——Reference to the deductions in the hosiery trade for frame-rent as being frequently disproportionately heavy and very oppressive, though they cannot be termed arbitrary, 1050-1062. 1066-1068——Expediency of legislative interference, so that the frames be given without rent, and the holders be compensated, 1063-1068.

The Conseils de Prud'hommes generally apply to all trades in their several districts, but sometimes deal only with particular trades grouped for the purpose, 1072, 1073——The president of the tribunal should be appointed independently of master or men, and should have the casting vote, 1075——Difficulty in the mode of election of members to represent the masters and men, 1076-1078——Expediency of a system of trade statistics and registration as in France, 1077-1079——Disapproval of a recommendation by Lord Grey for the revival of the old trade guilds, 1080, 1081.

Questions as to the introduction of new machinery should not come before the courts, 1082——Great benefit to the community at large if all patent rights in regard to the employment of new machinery were abolished, and the inventor remunerated by the nation, *ib.*——Doubt as to the necessity of a provision that every workman on leaving a locality should receive a certificate as to his character, 1083-1088——Witness does not offer any suggestion as to the mode of enforcing the award of the tribunal, 1091-1093.

Other causes than that of the question of wages which give rise to strikes, 1095——Origin of the Derby strike, which was very disastrous, in a question of abstract rights, *ib.*——Instances of masters voluntarily raising the rate of wages, 1096——Disapproval of trades' unions as leading to strikes which are always disastrous, 1097——Evidence to the effect that the rage for cheapness in price as distinguished from goodness in quality, will in time have a sure and damnifying effect upon the manufacturing trade of this country, 1099-1101. 1108-1122——Anticipated check to undue cheapness in manufacture

Report, 1856—*continued.*

Felkin, William, (Analysis of his Evidence)—*continued.*

ture by the establishments of courts of arbitration, and the introduction of competition for good articles, 1101–1104. 1119.

Less tendency in France than in this country to over competition as to cheapness independently of quality, 1102. 1113——Prevention of frauds and improper practices in trade by the investigation and publicity consequent on the proposed courts, 1103–1106——Anticipated sympathy and co-operation between employer and employed, through means of the courts, 1106. 1125——Security in France through the practice of the Conseils de Prud'hommes for the genuineness of articles sold to the public, 1123–1125——Illustration afforded by occurrences in the bobbin-net lace trade of Nottingham in 1829, of the practicability of voluntary co-operation and kindly association between masters and operatives, 1125.

Ferdinand, George. (Analysis of his Evidence.)—Is a Spitalfields silk-weaver, 1792——Origin of strikes in the reduction of wages by manufacturers when workmen consider there is no necessity for such reduction, 1793, 1794——Disastrous effect of strikes upon the men, 1794——Anticipated prevention of strikes if equitable Boards of Conciliation be established, 1795——Belief that a Board equally constituted of masters and workmen might, with advantage and general satisfaction, determine the minimum price to be paid for certain work in the silk trade, and other trades, 1796–1800. 1803–1813. 1829. 1848–1873. 1889——Different prices at present for the same work adverted to, 1796. 1873.

Comparatively comfortable state of the Spitalfields operatives previously to the repeal of the Spitalfields Act, and the abandonment of the system of an universal price, 1799——Injury to the silk trade from foreign competition, 1801——Necessity for the repeal of the Spitalfields Act, in order to retain the trade in this country, 1802. 1817–1820. 1858–1865——The majority in the trade should rule the minority, 1804. 1848–1850——The chairman of the Board should be independent of either party, and should be appointed by Government, 1805–1810. 1830.

Belief that there would not be less capital in the trade if prices were regulated as proposed, 1812–1820——There are from 8,000 to 10,000 silk weavers in the City and Spitalfields, 1821–1824——Witness who does a superior kind of work earns about 10*s.* a week, 1825–1828——Instances in the Spitalfields trade of proceedings under the Act 5 Geo. 4, c. 96, 1831, 1832. 1834–1836. 1839, 1840——Unsatisfactory operation of the Act 5 Geo. 4, though in principle it goes a great way towards the desired end, 1832–1842.

The proposed tribunals should be permanent, 1843, 1844——They might be reappointed annually, 1845. 1847——Six masters, six workmen and a president would be quite sufficient as a Board, 1846——The decisions of the Board should be final, both as regards workmen and masters, 1848–1851. 1856–1858——There should be a separate Board for each separate trade, 1852–1855——Probable effect of the Spitalfields Act in driving away some of the London manufacture, 1858–1864——Prohibition by the Act upon the use of foreign-made silks, 1865, 1866.

Advantage of foreign manufacturers over English manufacturers in being able to obtain the raw material more cheaply, 1867——Belief that a minimum scale of wages would re-establish the London trade, and would admit of successful competition with the foreign trade, 1868–1889——Sundry kinds of work in which there are great varieties in the price for labour, such work being manufactured mainly in this country, 1873–1888——Where the price for the same work varies, the maximum price should be adopted by the proposed Boards, 1889.

Ferdinando, John. (Analysis of his Evidence.)—Was formerly a Spitalfields silk-weaver, 2241——Considers that Boards of Trade or Conciliation form the best protection against strikes, 2242–2246. 2256——Great misery resulting to workmen from strikes, which are also very injurious to employers, 2242. 2245–2255——The Boards should comprise an equal number of masters and operatives, 2243——In the event of either masters or workmen requiring arbitration, it should be granted, and should be compulsory upon certain questions, 2243–2246. 2251——Willingness of workmen to abide by the decisions of the proposed Boards, 2243–2248. 2256.

Though witness is in favour of the regulation of wages by Act of Parliament on account of the comparatively helpless condition of operatives, he does not consider it politic to recommend that the proposed Boards should have compulsory powers on such questions generally, 2244, 2245. 2252–2254——Suggestions relative to the appointment of chairmen to the several Boards that would be required, 2249, 2250.

Objections to the arbitration under the Act 5 Geo. 4, c. 96, being carried on through the medium of the police courts, 2257–2260. 2283–2306. 2312, 2313——Insufficient knowledge of the arbitration law possessed by magistrates; instance of this at Worship-street Police Court in the case of a silk weaver who was summoned under the Act 5 Geo. 4, but was convicted by Mr. Hammill under the Act 6 & 7 Vict. c. 40, which relates

Report, 1856—*continued.*

Ferdinando, John. (Analysis of his Evidence)—*continued.*

relates only to framework-knitters, 2259. 2283–2306——Delay in the conduct of proceedings before the Worship-street Court, 2260, 2261.

Particular questions concerning wages which the Boards should have power to adjudicate upon, 2261, 2262——Strike in the silk trade in 1841 adverted to as having arisen from an unnecessary reduction of wages, 2263–2265——Injury to the Spitalfields trade, more especially some years ago, through foreign competition, 2266–2269——Reason why in 1841 the silk weavers, when on strike, submitted to great physical suffering rather than enter the Bethnal-green Poor Law Union, 2269–2271.

Beneficial operation of the Ticket Act, that is, the Act 8 & 9 Vict. c. 128, relative to silk weavers, 2271–2279——Advantage if a clause in the Ticket Act, which, as witness considers, treats middlemen in the light of masters, were applicable to all trades, 2277–2279. 2289, 2290——Improvement if masters generally were liable to a penalty of 5*l.* unless they gave notice of arbitration in the event of intended reduction of wages, 2279, 2280. 2307——Process of arbitration in the silk trade under the Act 5 Geo. 4, c. 96; 2281–2283——Clause in the Act 6 & 7 Vict. c. 40, quoted in order to show that it does not apply to silk weavers, 2286. 2308——With regard to the Spitalfields operatives working on Sunday, the same is not the general practice, but is rather a deviation from the rule, 2308–2311.

Forster, William Edward. (Analysis of his Evidence.)—Worsted spinner and manufacturer, near Bradford, 1216, 1217. 1219——There have been no general strikes in the district around Bradford, nor has there been any strike among witness's men, 1217. 1220, 1221. 1247, 1248——The Arbitration Act was not known to witness before the present inquiry, nor is its existence generally known to workmen, 1218. 1258, 1259. 1262. 1291, 1292——Attention paid personally by witness and his partner to any representation or complaints on the part of their workpeople, 1222–1224. 1254. 1310–1314——Satisfaction to workmen when not subject entirely to the control of overlookers or middlemen, 1223, 1224.

Variety of practice as to wages in the worsted trade which tends to prevent strikes, 1225, 1226——Origin of strikes; principle of supply and demand in labour market adverted to hereon, 1227–1230——Invariable evil of strikes, 1231——Limited extent to which the fear of strikes acts in upholding wages, 1233, 1234——Most effectual prevention of strikes through means of a proper co-operation or partnership relation between employers and employed, 1234–1238. 1251. 1286–1289. 1293–1295.

Definition of the proposed Councils of Conciliation as evils in themselves, and undesirable in the abstract, though as a means of preventing the greater evil of strikes they may be expedient, 1237, 1238. 1240, 1241. 1257. 1290——When strikes take place, it depends upon the state of trade whether the masters or the men are most powerful, 1239. 1255, 1256——Difficulty in regard to a proper representation of masters and men on the proposed councils, 1242–1244. 1262–1273——The "Conseils de Prud'hommes" in France do not appear to interfere with the question of wages, nor is their system applicable or desirable in this country, 1243, 1244. 1269. 1315–1317.

Unsuitableness of overlookers as representatives of the men, or of the masters, on the contemplated tribunals, 1244, 1245. 1254. 1266–1268——Practice in the worsted and cotton trades in regard to the employment and duties of overlookers, 1244. 1274–1285——There is no association among witness's workmen, nor in the immediate locality, and special measures for preventing strikes in the district are not necessary, 1246–1253. 1265. 1286, 1287. 1299, 1300.

Doubt as to the proposed courts being acceptable to the masters, 1253. 1272. 1304–1306——Difficulty in satisfying both masters and men by the provisions of the Arbitration Act, 1260–1262——The factory inspectors or chairman of quarter sessions might give satisfaction as umpires, 1263–1265——Opportunity in all factories for the men to communicate with their employers, 1288, 1289.

On the conditions that complaints of workmen be first submitted for redress to their employers, and that the arbitration courts do not make their awards unless both parties express their willingness to abide thereby, witness would not object to such courts, 1290–1305——Doubt as to the prevention of disputes by a different system of hiring or contract between employers and employed, 1307–1309.

[Second Examination.]—Suggested enlargement of the 13th clause of the Act 5 & 6 Geo. 3, c. 96, so that in the event of a dispute, where the parties do not agree about arbitration, either party might ask for the arbitration of a competent person deputed by the Home Office, 1752–1757——Anticipated successful result of the decision of the proposed functionary, though not compulsory in its action upon public opinion, 1753–1755——Impolicy of any compulsory system of arbitration in the case of future contracts, 1756, 1757.

Framework-knitters. See *Hosiery Trade.*

France. See *Prud'hommes, Conseils de.*

Report, 1856—*continued.*

Frauds. Prevention of frauds and improper practices in trade by the investigation and publicity consequent on the proposed courts, *Felkin* 1103-1106——Security in France, through the practice of the Conseils de Prud'hommes, for the genuineness of articles sold to the public, *ib.* 1123-1125.

Frivolous Disputes. Frivolous cases should not come before the proposed Boards; suggested check hereon, *Hollands* 2440. 2447. 2509.

G.

Gladstone, Thomas Murray. (Analysis of his Evidence.)—Engineer, 1490——Recommended appointment by Government of a Commissioner, who upon the commencement of a strike should at once proceed to the locality, examine into each side of the dispute, and endeavour to reconcile the parties, 1492 *et seq.*——Advantage of the foregoing plan over a system of standing councils of arbitration, 1493–1496. 1513——Anticipated voluntary settlement of the great majority of disputes before they assume a formidable character, through the ready intervention of the proposed public functionary; illustration hereon, 1493–1499.

Individual strikes should not come under the cognizance of the Commissioner, 1497. 1500——He should act merely as a mediator, without power to compel either party to come before him, 1501–1506——He should be a paid functionary, 1507——Suggestions relative to the mode of his appointment, 1508——When both parties agreed to his intervention, his decision should be binding, 1510.

Glasgow. Witness represents the views of eight trades in Glasgow upon the subject before the Committee, *Proudfoot* 2833-2835——Strong feeling among the workmen in favour of Councils of Conciliation as a means of preventing strikes, *ib.* 2835. 2837. 2848–2850——Willingness of many employers in Glasgow to discuss disputes with their workmen in a conciliatory manner, *ib.* 2908, 2909. 2924–2926.

See also *Coopers* (*Glasgow*). *Joiners* (*Glasgow*).

Goderich, Viscount (Member of the Committee). (Analysis of his Evidence.)—Lays before the Committee the views of M. Arles Dufour, a well-known silk merchant at Lyons, and late secretary to the Universal Exhibition at Paris, as expressed in letters to witness in 1852, upon the question of Councils of Conciliation, with reference more especially to the beneficial operation at Lyons of the Conseil de Prud'hommes, 2817, 2818——Document, (*App. p.* 273,) forwarded to witness through M. Dufour, showing the result of the operations of the Conseil for the years 1846-51; 2818–2820——Other documents delivered in, as forwarded by M. Brisson, the president of the Conseil at Lyons, with reference to the detailed conduct of the Conseil, 2821–2823, and *App. p.* 273–276.

Small expense in conducting the operations of the Lyons Conseil, 2823——Paper delivered in, and explanatory comment thereon, with reference to the very satisfactory operation of the Conseil in the years 1852–53; 2823, 2824, and *App. p.* 276–280——Quotations from the written opinions of M. Michel Chevalier in favour of the Conseil de Prud'hommes at Lyons, and of similar Councils generally, 2825, 2826——History of the establishment and general regulation of the Conseils de Prud'hommes in France; the one first established was that at Lyons in 1806; 2827–2829.

Government Commissioner. Recommended appointment by Government of a Commissioner, who after the commencement of a strike should at once proceed to the locality, examine into each side of the dispute, and endeavour to reconcile the parties, *Gladstone* 1492 *et seq.*——Advantage of the foregoing plan over a system of standing Councils of Arbitration, *ib.* 1493-1496. 1513——Anticipated voluntary settlement of the great majority of disputes, before they assume a formidable character, through the ready intervention of the proposed public functionary; illustration hereon, *ib.* 1493–1499——Respect with which the workmen, and also the masters, would look to the conciliatory interference of a Government functionary, *ib.* 1494. 1511, 1512.

Individual strikes should not come under the cognizance of the Commissioner, *Gladstone* 1497. 1500——He should act merely as a mediator, without power to compel either party to come before him, *ib.* 1501–1506——He should be a paid functionary, *ib.* 1507——Suggestions relative to the mode of his appointment, *ib.* 1508——When both parties agreed to his intervention his decision should be binding, *ib.* 1510.

Less confidence in a Government Commissioner than in the contemplated courts, *Newton* 1582, 1583——Objection to the proposition for the appointment of a Government Commissioner in lieu of Arbitration Boards, *Hollands* 2540–2542——Advantage if the preliminary tribunal could be elected by the trade, instead of by the Government, *Dunning* 2237. 2240.

Greece. System of arbitration adopted in Greece 2,000 years ago, *Essery* 983-986——Aristotle compared an arbitrator to an altar, as being a refuge for the destitute, *ib.* 983.

Halford,

Report, 1856—*continued.*

H.

Halford, Sir Henry, Bart. (Member of the Committee). (Analysis of his Evidence.)—Considers that Councils of Conciliation would be exceedingly useful in the case of the framework-knitters, 2762, *et seq.*——Peculiarly depressed condition of these operatives, more especially in Leicestershire, 2762. 2809. 2811——Conclusion arrived at by the Government Commissioner sent to the hosiery districts in 1844, that the over-supply of labour in the trade, and the consequent depression, were largely owing to the practice of deduction for frame rent; concurrence in this view, 2762, 2763.

Passing of the Ticket Act, with the intention of securing the warehouse price to the operative, and as a check upon the middleman; failure of the Act hereon, 2764, 2765. 2786——Bill introduced by witness in order to bring the deductions within the prohibitions of the Truck Act; reason for its postponement, 2765. 2769——Resolutions of the Select Committee upon hosiery, &c. manufacture, in 1855, that the profits on frame rent were exorbitant and illegitimate, and that the deductions were an abuse requiring prohibition, 2765–2769. 2801–2804.

Evidence in proof of the exorbitant profit made upon the frames at the expense of the framework-knitters, 2769–2773. 2794–2798——Interest of the masters to continue the frame-rent system; check thereby to a more extended use of machinery, 2770–2781. 2810——Non-advantage to the operatives in possessing frames of their own, as they would not be sure of employment, 2770, 2771. 2813–2815.

Particular way in which Boards of Conciliation would mitigate abuses and sufferings in the hosiery trade, 2782, *et seq.*——Inadequacy of legislation hitherto to rectify the conduct of the trade, or to improve the condition of the operatives, 2786. 2791–2793. 2811——Importance of workmen being properly represented on the proposed councils, 2806——Benefit anticipated from the conciliatory operation of the councils, should it be decided that their awards were not to be compulsory, 2807, 2808. 2812. 2816.

Halford, Sir Henry, Bart. Memorandum by Sir Henry Halford relative to the Conseils de Prud'hommes in France, *App. p.* 286–291.

Hammill, John. (Analysis of his Evidence.)—Police magistrate at Worship-street Court for nine years, 2314, 2315——Has adjudicated upon questions coming under the Acts 6 & 7 Vict. c. 40, and 5 Geo. 4, c. 96, 2316, 2317——Exceedingly unsatisfactory operation of the Act 5 Geo. 4, as regards reference to witness for arbitration in the event of masters and workmen in the silk trade disputing about workmanship as affecting the rate of wages, 2318–2323. 2325. 2334. 2376, 2377——Probable objection of workmen in the manufacturing districts to come before magistrates for arbitration, 2320, 2321.

Importance, in questions of arbitration about piece-work or workmanship in the silk trade, of there being some person well conversant with the trade to act as chairman or umpire, 2324, 2325. 2344——Considerable difficulty in regard to the selection of a practical and impartial umpire from among masters, middlemen, or operatives, 2326–2335. 2369–2377——Slight use, with respect to an ultimate decision, of so many masters and so many operatives on a Board of Arbitration, inasmuch as they are sure to divide equally, and thus negative each other, 2330, 2331. 2348. 2368.

Importance of a Court of Arbitration for settling disputes if a proper chairman can be provided, 2330–2333. 2369——There were only five cases at Worship-street last year under the Arbitration Act, 2336. 2338——The disputes have generally arisen about the workmanship and its bearing upon the contract price, 2337–2339. 2343. 2345–2347. 2378–2383——Disputes occasionally on account of the work not being finished by the time contracted for, 2339——Endeavour of witness to reconcile all disputes without exercising the penal powers of the Act, 2339. 2341, 2342.

Necessary delay, at times, before summonses are granted at Worship-street when applied for by workmen, 2344——Explanation as to witness having interpreted the Act 6 & 7 Vict. c. 40, as applicable to silk weavers as well as to framework-knitters, 2349–2367——There were only six cases decided at Worship-street under the Framework-knitters Act in 1855; 2360, 2361——Frequency of silk weavers applying to the Court for assistance in getting into the Poor-law union, 2384, 2385.

Higginbotham, Samuel. (Analysis of his Evidence.)—Solicitor at Macclesfield, 1890——Strike in the Macclesfield silk trade in 1849, which led to the appointment of a Board of Arbitration, comprising 12 masters, 12 workmen, and witness as chairman, with a casting vote, 1891——Witness was selected by both parties, who seemed to place every confidence in him, 1891, 1892. 1894. 1906——Lamentable results of former strikes, which induced him to come forward, 1891. 1945——Satisfactory conduct of both masters and men at the meetings of the Board, 1892——Settlement by the Board of a tariff of prices to be paid by the silk manufacturers for the weaving of various fabrics within a certain district; actual wages or earnings were not directly regulated, 1892, 1893. 1933–1936. 1963–1979——Belief as to the prevention of more than one strike by the arrangements of the Board, 1893. 1895. 1905.

Report, 1856—*continued.*

Higginbotham, Samuel. (Analysis of his Evidence)—*continued.*

Existence and operation of the Board for about 10 months, 1893. 1896. 1955, 1956 ——Dissension of the Board, and its regulations through the masters getting work done out of the district, and lowering the settled tariff of prices, 1893, 1894. 1897-1900. 1912, 1913. 1917-1924——Questionable policy if a Board of Arbitration were to arrange a tariff of prices for the silk trade or any trade throughout the kingdom; probable injury through foreign competition, 1903-1911. 1925-1932.

Effect of the Macclesfield Arbitration Board in driving away some business from the locality and thus injuring it, 1903, 1904. 1918-1924——Means of the Board for resisting any infraction of its rule by any particular master, 1914-1916——Verbal agreements generally in the silk trade with regard to the men's prices for manufacture, 1936-1940 ——Advantage still derived from the scale of prices settled by the Macclesfield Board, 1941-1943. 1968, 1969.

Evidence in favour of Courts of Conciliation, comprising an equal number of masters and workmen, and a chairman independent of either party, 1944-1950. 1960-1962—— Settlement of some disputes at Macclesfield, under the Act 5 Geo. 4, c. 96, 1946-1948 ——Inexpediency of the jurisdiction of magistrates as a means of arbitration, 1948, 1949 ——Instances of evasion of the rules laid down by the Macclesfield Board before its dissolution, 1951-1959.

[Second Examination.]—Admits the correctness of Mr. M'Donald's evidence (*Q.* 1981) as to the duration for three years of the Board of Trade at Macclesfield, 2116.

Hollands, Macgill Daintree. (Analysis of his Evidence.)—Manufacturer of earthenware and china at Stoke-upon-Trent; is Chairman of the local Chamber of Commerce, 2386, 2387——Particulars relative to a Board of Arbitration established in the Stoke-upon-Trent district whenever a dispute arises between masters and operatives; success attending its operation, 2387, 2388. 2390. 2393-2397. 2404, 2405. 2411. 2423-2425. 2435, 2436. 2446. 2470-2482——Practice, peculiar to the pottery trade, of hiring workmen under agreements for 12 months, with a condition, in most cases, of submitting disputes to arbitration; this probably facilitates the action of the arbitration tribunal, 2387, 2388. 2402-2404. 2410-2412. 2434. 2463, 2464.

Advantage if a permanent Board of Arbitration were established for each trade within certain districts; prevention of strikes thereby, 2388-2392. 2440. 2486. 2507. 2514. 2533. 2537. 2542. 2545, 2546——Settlement of all disputes which have come before the Stoke-upon-Trent Arbitration Board no strike having occurred since the system commenced about three years ago, 2388. 2413-2419——In no case have the masters and workmen forming the Board required an umpire or chairman, there being always a majority among themselves, 2394. 2446. 2470——Large manufacturers at Stoke-upon-Trent, 2395—— Origin of the disputes which come before the Arbitration Board; one cause of dispute is with reference to the quality of the work as it leaves the oven, 2397. 2403-2405. 2465-2467. 2472-2480.

Good wages in the pottery trade, 2398-2401——The reference to arbitration should be voluntary, and on many points the decision need not be legally binding, as in fact it would be virtually binding, 2406, 2407. 2490-2493——Approval by the majority of manufacturers at Stoke-upon-Trent of the system of settlement by arbitration, 2408-2410. 2461, 2462——Inoperativeness of the Arbitration Act in the district, 2420-2422. 2536-2539——Belief that masters and workmen serving on a Board, would not as a matter of course vote against each other, 2427——Satisfaction both to masters and workmen at Stoke-upon-Trent by the decisions of the Board of Arbitration, 2427, 2428. 2470, 2471. 2481, 2482.

Constitution and operation of the Chamber of Commerce adverted to, 2430-2433. 2520-2522——Advantage of a power in the proposed Boards to examine witnesses on oath, 2438, 2439. 2534, 2535——Frivolous cases should not come before the Boards; suggested check hereon, 2440. 2447. 2509——The arbitrators should if possible select their own chairman, but in the event of their disagreement he might be appointed by Government, 2441-2445. 2448, 2449. 2453. 2532——There should be a power to make the losing party pay costs, 2447. 2502-2504——Advantage of a manufacturer over a lawyer as chairman, 2450-2452.

The arbitrators should be paid for their services, 2454——Propriety, if practicable, of paying them by a rate to be contributed by the district which they represent, 2455-2458. 2508. 2510——The arbitrators on the part of the workmen should be selected from those in actual employment, 2459, 2460——Objection to an Arbitration Board in the pottery trade deciding whether the system of what is termed "good from oven" be abolished or not, 2466, 2467——Explanation and approval of the system of "good from oven," 2466, 2467. 2472-2478. 2491. 2505, 2506. 3523-2527.

Doubt as to the expediency at first of rendering it compulsory on masters and workmen to establish Boards of Arbitration, 2484. 2500, 2501. 2530, 2531——Questions on which the decisions of the proposed Boards should be binding in point of law; good effect even

Report, 1856—*continued.*

Hollands, Macgill Daintree. (Analysis of his Evidence)—*continued.*

even if not legally binding, 2485-2497——There should be no power of interference with wages, unless both parties voluntarily apply to the board, 2487, 2488. 2543, 2544——Injury to shopkeepers and ratepayers in the Potteries district when strikes occur, 2511-2514.

The arbitrators might be elected for three years, 2515——Non-interference with the progress of work in the pottery trade whilst the arbitrators are being elected, 2516, 2517——Tendency of the Chamber of Commerce at Stoke, as well as of the Board of Arbitration, to prevent strikes, 2518-2521——Considerable competition in the pottery trade, large capital not being necessary, 2528, 2529——Objection to the proposition for the appointment of a Government Commissioner, in lieu of Arbitration Boards, 2540-2542.

Hosiery Trade:

1. *As to the great Depression among the Operatives, and the Deductions under the Frame-rent System.*
2. *As to the want of legislative Interference, and the Advantages of Boards of Arbitration.*

1. *As to the great Depression among the Operatives, and the Deductions under the Frame-rent System.*

Very low wages of framework-knitters, *Winters* 221——The deductions in Leicestershire, though not illegal, are frequently oppressive in the extreme, *ib.* 257. 260-262. 264-270. 285-290——There is no actual hiring or distinct agreement entered into, and the workman is obliged to submit to the deductions, be they ever so heavy, *ib.* 264-274. 285-290——Advantage to framework-knitters as factories are established, and the domestic manufacture diminishes, *ib.* 290-292——Less objectionable system of deductions from wages in Nottinghamshire than in Leicestershire, *ib.* 464-466.

Reference to the deductions for frame-rent, as being frequently disproportionately heavy and very oppressive, though they cannot be termed arbitrary, *Felkin* 1050-1062. 1066-1068——The wages in the stocking trade are unnecessarily low, *ib.* 1030.

Peculiarly depressed condition of the operatives, more especially in Leicestershire, *Sir H. Halford* 2762. 2809. 2811——Conclusion arrived at by the Government Commissioner sent to the hosiery districts in 1844, that the over-supply of labour in the trade, and the consequent depression, were largely owing to the practice of deduction for frame-rent; concurrence in this view, *ib.* 2762, 2763. 2797——Resolutions of the Select Committee upon Hosiery and Manufacture, in 1855, that the profits on frame-rent were exorbitant and illegitimate, and that the deductions were an abuse requiring prohibition, *ib.* 2765-2769. 2801-2804.

Evidence in proof of the exorbitant profit made upon the frames at the expense of the framework-knitters, *Sir H. Halford* 2769-2773. 2794-2798——Interest of the masters to continue the frame-rent system; check thereby to a more extended use of machinery, *ib.* 2770-2781. 2810——Non-advantage to the operatives in possessing frames of their own, as they would not be sure of employment, *ib.* 2770, 2771. 2813-2815.

2. *As to the want of legislative Interference, and the Advantages of Boards of Arbitration:*

Unanimous feeling of the framework-knitters in favour of Boards of Arbitration, whose decisions should be binding, *Winters* 111. 152——Inoperativeness of the Arbitration Act in regard to framework-knitters, who are, in fact, powerless to protect themselves, *ib.* 253, 254. 271-273. 279-285. 290——Applicability of the proposed system of arbitration in the case of deductions, *ib.* 255 *et seq.*

Satisfactory settlement of disputes in the hosiery trade, even of the question of frame-rent, if Courts of Arbitration had been established, *Felkin* 1030, 1031. 1049-1052. 1059-1061——Contemplated strike in 1834; part taken by witness in averting the same, *ib.* 1030——Considerable advance of wages which induced the workmen not to strike, *ib.* 1030, 1031. 1096——Expediency of legislative interference, so that the frames be given without rent, and the holders be compensated, *ib.* 1063-1068.

Councils of Conciliation would be exceedingly useful, Sir *H. Halford* 2762 *et seq.*——Bill introduced by witness in order to bring the deductions within the prohibition of the Truck Act; reason for its postponement, *ib.* 2765. 2769——Particular way in which Boards of Conciliation would mitigate abuses and sufferings in the hosiery trade, *ib.* 2782 *et seq.*——Inadequacy of legislation hitherto to rectify the conduct of the trade, or to improve the condition of the operatives, *ib.* 2786. 2791-2793. 2811.

Hours of Labour. Strikes often arise from regulations concerning the hours of labour, *Winters* 237——Probable effect of the proposed tribunals upon the hours of labour, though the same should not be dealt with compulsorily, *Felkin* 1029. 1089. 1091. 1125——Nearly universal practice in Glasgow to cease from labour at two o'clock on Saturday; advantages thereof, *Proudfoot* 2895-2904.

Report, 1856—*continued.*

Howshan, John. (Analysis of his Evidence.)—Is a Spitalfields silk-weaver, 1677, 1678——Origination of strikes in the Spitalfields silk trade through the competition among the manufacturers, and the reduction of wages for the sake of underselling, 1679——Particular strikes in past years, 1679–1682. 1689, 1690——General feeling of the trade in favour of equitable Councils of Conciliation; beneficial settlement of disputes thereby, 1679–1681. 1684, 1685. 1688——Injury to the trade mainly by home competition, foreign competition having but little to do with it, 1680–1684. 1706. 1709——Representations made by the trade to the Board of Trade in favour of a Bill for the establishment of Boards of Arbitration, 1681, 1682. 1741–1744.

The proposed councils should comprise an equal number of delegates from the men and the masters, 1686——They should be standing tribunals, *ib.*——There should be some independent person as chairman, with a casting vote, 1686, 1687——The councils would be beneficial for all trades, 1691——Details as to the conduct of the Spitalfields silk-weaving trade; it is a domestic manufacture, 1692–1708. 1728–1735. 1747–1750——Evidence showing that the operatives are in a most distressed condition; their average earnings are from 6 *s.* to 8 *s.* weekly, they constantly work on Sunday, and the trade altogether is in a most declining state, 1709–1740. 1745, 1746.

Humphries, Edward. (Analysis of his Evidence.)—Member of the Committee of the National Association of United Trades; receives a salary, 512, 513——Bears testimony to the very successful operation of the association in reconciling disputes between masters and operatives, and in preventing strikes through means of arbitration, 514——Willingness of workmen to submit to arbitration, as shown by the feelings of those engaged in the Preston strike, 515–522——In some trades the masters, as well as the men, have shown that they are favourable to arbitration, 518. 534–536——Approval by the broad-silk manufacturers of London of the proposed Boards of Arbitration; resolution agreed to by them upon the subject, 518. 635.

Tendency of Boards of Conciliation to prevent strikes, though they may not be able to settle compulsorily the rate of wages, 522–525——Possibility of determining the rate of wages by mutual agreement between masters and men, 525–528——Injury occasioned by strikes not only to the masters and men directly concerned, but to the trade of the locality in which the strikes occur, 529, 530.——Illustration of the injury which a strike in one trade may cause to those engaged in another trade, 531–533.

Salutary operation of a Chamber of Commerce established by the masters in the Potteries district, and acting on the principle of arbitration, 534–536. 607–609——Nature of the influence brought to bear against the employment of new hands in the event of a strike, 537–543——Reference to a manufacturer's association at Manchester, as having originated through the Preston strike, 544–551——Belief that the operatives in striking are not induced to do so by the representations of agitators, 552.

Reasons for the inoperativeness of the Act 5 Geo. 4, c. 96, and for the reluctance of workmen to place themselves under the system of arbitration therein embraced, 553–559. 596——Statement showing that many trades do not come within the scope of the Act at all, 555–557. 573——Importance of an existing Board of Arbitration, rather than of power to appoint one as disputes arise, 558, 559. 577–579. 610–612——All masters and men agreeing to accept the proposed Arbitration Courts, should be bound by their decisions on the points submitted to them, 560, 561. 570–572——Opinion as to the expediency of compelling a minority of masters in any district to submit to the jurisdiction of the Boards, 562–569——A transference to a competent Board of practical men of the powers now given to magistrates by the Act of Geo. 4, would be ample for the adjudication of disputes, 566. 572–574.

A permanent Board should be appointed for each branch of trade by the masters and workmen in such branch, 575–581. 583, 584. 633, 634——Period of appointment, and times of sitting of the members of each Board considered, 576, 577. 604–606——A general supervision should be vested in one distinct and independent Board, 581——There should be a central Board in each town; how constituted; 582, 583——Different means by which the expenses or salaries of the members of the Boards might be defrayed; belief as to the willingness of the workmen to contribute for the purpose, 585. 592. 615–622. 630——Approval of the practice of the Printers' Board of Arbitration, whereby the party losing in the dispute pays the expenses, 586–588.

Contention owing to different wages in different districts, such as the Potteries, for the same work, 589–591——The president or chairman of each Board should be appointed and paid by Government, 592, 593——Difficulty in the way of county court judges as presidents, 594——Satisfaction to be given by the appointment of stipendiary magistrates as presidents, who should give a casting vote in the event of the Board being equally divided on any case, 595–603——Particulars as to a satisfactory adjudication by the Potteries Chamber of Commerce in the case of a dispute at the Heaths of Tunstall, 607–609——Satisfactory working, to a certain extent, of voluntary Boards of Arbitration at Macclesfield and Kidderminster, 613, 614.

Facilitated operation of the Boards, through the assistance of trades' organizations, 622. 629——Doubt as to existing organizations being broken up by the appointment of the

Humphries, Edward. (Analysis of his Evidence)—*continued.*

the proposed Boards, 623, 624. 629——Objects of trades' unions, independently of the defence of wages, 624–628——Paper delivered in containing suggestions as to the construction of the contemplated Boards, 630–632, and *App. p.* 258, 259——In some localities it might be desirable to group certain trades, so as to prevent a multiplication of Boards, 633, 634——Facility for determining the district within which each Board should exercise jurisdiction, 635.

I.

Initiatory Proceedings. If the parties to any dispute could not agree privately, either party might bring the case before the proposed courts, *Winters* 194. 249, 250——Resort should first be had to some impartial official, who might be appointed by Government, and who should decide whether there should be an arbitration or not, *Dunning* 2148. 2158–2166. 2171. 2228–2240——If only one party be anxious for arbitration, he should still be able to bring the case before the tribunal, *Avent* 2731–2733——When disputes arise the sheriffs might be called upon to summon a Council of Conciliation, *Proudfoot*, 2873. 2878.

Intercommunication. Benefits anticipated from the intercommunication and co-deliberation of masters and workmen on the same tribunal, *Winters* 185. 218–225. 344. *et seq.*; *Molesworth* 902, 903; *Felkin* 1106. 1125; *Slaney* 2120. 2124. 2137–2141; *Proudfoot* 2846. 2872; *Lees* 2963——If masters and men were properly brought together, and if the former would treat the latter with kindness and consideration, it would do an immensity of good, and would produce greater care of property in factories than the passing of a hundred rules, *Winters* 344–372.——Insufficient good feeling generally between employers and employed as a means of obviating the necessity of strikes; proof of this, *ib.* 427–448——Communication at present between the operative and the middlemen rather than between the operative and the master, *ib.* 449–452.

Advantages derivable from the intercommunication between the members of the tribunals, and from the subsequent publicity of the information coming before them, *Felkin* 1030, 1031. 1045–1048. 1070, 1071. 1089——Attention paid personally by witness and his partner to any representations or complaints on the part of their workpeople, *Forster* 1222–1224, 1254. 1310–1314——Opportunity in all factories for the men to communicate with their employers, *ib.* 1288–1289.

Iron Trade. Proposition by some parties in the Staffordshire iron trade, that wages should rise and fall in accordance with the price of iron; this scheme has not been taken up by the National Association of United Trades, *Winters* 101–105. 148. 151.

J.

Joiners (Glasgow). Considerable loss occasioned a few years since by a strike among the Glasgow joiners, *Proudfoot* 2838——Particulars relative to a further strike among the joiners in 1855, involving indirectly a question of increase of wages; concession ultimately to the demands of the men, *ib.* 2838–2845——The direct cause of the strike was the refusal of the masters to reduce the hours of labour from 60 to 57 hours per week, *ib.* 2838.

Object of the joiners' union to prevent reduction of wages, *Proudfoot* 2881–2884——The joiners' association pay 10*s.* weekly to each man upon strike, *ib.* 2889, 2890——Before strikes take place, the question must be submitted to the committee of the association, *ib.* 2890——Constitution and mode of election of the committee, *ib.* 2891–2894.

Jurisdiction of Councils. Twofold jurisdiction contemplated, namely, in regard to past or present contracts, and in regard to future contracts, *Winters* 184. 249, 250——Any unfair alteration of wages, or any attempted alteration of contracts, would mainly come before the Board, *ib.* 214, 215——A transfer to a competent Board of practical men of the powers now given to magistrates by the Act of 5 Geo. 4, would be ample for the adjudication of disputes, *Humphries* 566. 572–574——Twofold tribunals suggested, as in France, the final tribunal to determine all disputes not settled by the first tribunal, *Felkin* 1039–1041——On the condition that complaints of workmen be first submitted for redress to their employers, and that the arbitration courts do not make their awards unless both parties express their willingness to abide thereby, witness would not object to such courts, *Forster* 1290–1305.

Evidence as to the questions which might advantageously be settled by arbitration as proposed, *Smith* 1337 *et seq.*, 1423–1447——Benefits derivable from the proposed courts in the interpretation of existing contracts, and in questions of overtime, piecework, &c., *ib.* 1337–1342. 1345, 1346. 1425, 1426. 1437–1447——The councils should only inter-

Report, 1856—*continued.*

Jurisdiction of Councils—continued.

fere when a private settlement could not be arrived at, *Newton* 1526——In cases only of past contract, or where strikes were likely to arise, should there be an intervention of the courts, *ib.* 1538 *et seq.*

See also *Compulsory Arbitration. Constitution of Councils. Deductions from Wages. Prud'hommes, Conseils de. Initiatory Proceedings. Machinery. Wages*, 2.

K.

Kidderminster. Beneficial operation, in 1853, of a Board of masters and workmen at Kidderminster, appointed to settle sundry differences in the carpet trade; cause of the discontinuance of the Board after a short time, and of a subsequent strike, *Winters* 296–313.

L.

Labour Market. Difficulty in the way of workmen changing their trade or place of abode, so as to take the best advantage of the price of labour, *Winters* 421. 425, 426.

Lees, Hugh. (Analysis of his Evidence.)—Paid Secretary to the Associated Cotton Spinners of Scotland, 2956, 2957——Insufficiency of the present law in regard to arbitration, inasmuch as the masters need not, and do not, resort to it, 2958–2960. 2966——Views of the cotton spinners in favour of the establishment of courts of arbitration, presided over by an independent chairman, 2961, *et seq.*——Anticipated prevention of strikes through means of amicable intercommunication between employer and employed, 2963—Extent to which the councils should have compulsory powers, 2967, 2968. 2989-2991——Adequacy in the main of the effect of public opinion as a means of carrying out the decisions of the councils, 2969–2977.

Reference to a representation from the operative cotton spinners of Scotland, showing the heavy losses suffered by them in strikes through the want of arbitration, and calling for legislative interference, 2979——Unwillingness of many of the master cotton spinners to agree to arbitration, though the more honourable employers are not opposed thereto, 2979, 2980. 2987, 2988. 2990——Each trade should have its own council, 2983. 2985——The council should be permanent, 2984. 2986.

Legislation. See *Act 5 Geo. 4, c. 96. Compulsory Arbitration. Conciliation (and Arbitration) Councils. Government Commissioner. Hosiery Trade*, 2. *Standing Councils. Voluntary Arbitration.*

Limited Liability. Advantage if, through Boards of Arbitration, workmen could invest their small capital in their masters' business on the limited liability principle, *Winters* 505, 506——Most effectual prevention of strikes through means of a proper co-operation, or partnership relation between employers and employed, *Forster* 1234–1238. 1251. 1286–1289. 1293–1295.

Check upon strikes by the proposed councils becoming conversant with the wages and profits in companies under the Limited Liability Act, *Slaney* 2120. 2124–2132——Advantage of an extension of the limited liability principle so that workmen may more frequently become small partners, *ib.* 2120. 2124–2132——Satisfactory provision at present for the settlement by magistrates of disputes about partnership matters in small concerns, *ib.* 2143–2146——Willingness of small partners under the Limited Liability Act to have recourse to magistrates for arranging disputes among them, *ib.* 2144–2146.

Lock-outs. Lock-outs on the part of the masters are more common than formerly, *Molesworth* 789–791.

Lyons. See *Prud'hommes, Conseils de.*

M.

Macclesfield. See *Silk Trade*, I.

MacDonald, Charles. (Analysis of his Evidence.)—Silk weaver at Macclesfield, 1980——Existence of the Board of Trade, formed by masters and men in the silk trade at Macclesfield, for three years, 1849–52, instead of only for ten months as stated by Mr. Higginbotham, 1981. 2000–2004——It took from 10 to 11 months to draw up the book of prices referred to by Mr. Higginbotham, 1981. 2002, 2003——Origin of the Board in the confusion and discontent consequent on the disparity of prices for the same work in Macclesfield, 1981. 1996, 1997. 2005, 2006. 2021–2024——Arrangement as to prices whilst the tariff was being drawn up, 1981, 1982.

Absence of strikes during the three years' existence of the Board, 1983–1985. 1995——Benefits resulting from the intercommunication consequent on the constitution of the Board, 1984. 1990, 1991——Eventual failure of the Board owing to its want of legal means for enforcing its regulations, 1986–1989. 2009, 2010——Advantages to be derived in the silk

Report, 1856—*continued.*

MacDonald, Charles. (Analysis of his Evidence)—*continued.*

silk and other trades from a Board, constituted equally of masters and workmen, which should settle the prices for certain descriptions of work, 1989–1995. 2027, *et seq.*——Witness was for six months a member of the Macclesfield Board, 1990. 1998, 1999.

Great evil of strikes, though sometimes unavoidable, 1994. 2008——Less disparity in prices at Macclesfield when the Local Board was sitting, 2007, 2008. 2021–2024——Satisfactory operations of the Conseils de Prud'hommes at Lyons, 2010——Difference between the Macclesfield and Lyons systems of conducting the silk trade; advantage of the latter, 2010–2015——Mode of election of workmen to serve on the Board at Macclesfield, 2016–2019——Belief that the operation of the Board did not drive away any of the local trade, 2020–2023. 2045–2052.

Law at present against strikes if work be left unfinished, 2025, 2026——Examination as to the expediency of rendering it compulsory that prices should in any way be settled generally by the proposed Board, or that the minority should be bound by the majority, 2027–2033. 2054, *et seq.*——Benefits anticipated from the moral effect that would be produced by Boards of Arbitration presided over by a Government agent, and having the countenance of the law, 2031, 2032. 2087. 2094–2096——Effect in point of law of the book of prices agreed to at Macclesfield, 2034, 2035. 2041–2044. 2070, 2071——Importance of an improved system of agreement and contract in the silk trade, 2036–2038——Inoperativeness of the Ticket Act in Macclesfield, 2039–2044.

Voluntary establishment of the Macclesfield Board, 2053. 2062——Number of men employed by the twelve manufacturers who served on the Board, 2054–2061——Question as to the effect of a general scale of prices upon small manufacturers, 2063–2070——Condition on which, as in Macclesfield, reductions beyond the settled scale might be allowed by the proposed Boards, 2070, 2071——Present practice in the silk trade in regard to prices for piece-work, 2072–2075——Evil consequent on workmen sometimes offering to work at reduced wages for the sake of employment when work is dull, 2075–2081. 2103, 2104.

Repugnance of operatives to come before magistrates under the Act 5 Geo. 4, c. 96; 2085, 2086——Advantage on the whole of conferring legal powers on the proposed Boards, 2085–2089——Sufficiency of the evidence of the masters, without any production of their books, 2090–2092——Whatever rate of wages the Board might lay down should be recoverable from the masters adhering to the regulations of the Board, 2097–2102——Injury of home competition and depression of wages to the masters as well as to the men, 2103, 2104.

Advantage of referring disputes about workmanship, &c. to the proposed Boards, 2105——Rare occasions of manufacturers voluntarily raising the rate of wages, 2105–2110——Rise lately in the wages at the winding mills in Macclesfield; there had been a reduction previously, 2111–2115.

Machinery. Effect of improved machinery in leading to strikes, *Winters* 227——Belief that workmen generally are not opposed to the introduction of machinery, *ib.* 234–236.

Effect of the introduction of machinery in causing a temporary want of employment, though eventually employment is increased thereby, *Molesworth* 658–670——Objection to combinations for the purpose of resisting the use of improved machinery, *ib.* 671–677. 725–733. 887, 888——Practicability and expediency, in some instances, of arbitrating upon certain questions as to the introduction of machinery, *ib.* 871, 872. 887, 888. 920–943——The introduction of new machinery should not be checked, but merely the mode in which its introduction bears upon past arrangements with the workmen, *ib.* 922 *et seq.*

Questions as to the introduction of new machinery should not come before the courts, *Felkin* 1082.

Magistrates. Evidence as to the unwillingness of workmen to place themselves under the Arbitration Act, or in any way to come before magistrates for a settlement of their grievances, *Winters* 58. 76. 83–87. 115–123. 167–174. 253, 254. 384–410; *Humphries* 553, 555. 557–559. 596; *Forster* 1262; *Newton* 1526. 1563–1566; *M'Donald* 2085, 2086. 2104; *Hammill* 2320, 2321; *Hollands* 2536. 2538, 2539; *Avent* 2724; *Proudfoot* 2855——Objections to disputes between masters and men coming under the jurisdiction of magistrates who are themselves employers, *Winters* 58. 399–410; *Molesworth* 758, 759. 772; *Felkin* 1094——Instance at Kendal of a workman having been ruined through bringing a disputed case before the magistrates, *Winters* 390. 392——Instance of a case before magistrates where the latter were likely to be partially influenced through their connexion with the employers in the matter, *ib.* 400. 404.

Successful intervention of the bench at Nottingham in settling disputes without official adjudication, *Felkin* 1004——Indisposition of employers as well as of employed to the interference, officially, of magistrates as arbitrators, *Felkin* 1006. 1094; *Forster* 1262——Inexpediency of the jurisdiction of magistrates as a means of arbitration, *Higginbotham* 1948, 1949; *Maitland* 2696–2698——Objection to arbitration through the medium of the police courts, *Ferdinando* 2257–2260. 2283–2306. 2312. 2313.

Report, 1856—*continued.*

Magistrates—continued.

Insufficient knowledge of the arbitration law possessed by magistrates; instance of this at Worship-street Police Court in the case of a silk weaver who was summoned under the Act of 5 Geo. 4, but was convicted by Mr. Hammill under the Act 6 & 7 Vict. c. 40, which relates only to framework knitters, *Ferdinando* 2259. 2280. 2283–2306. 2308.

Witness, who sits at Worship-street Police Court, has adjudicated upon questions coming under the Acts 6 & 7 Vict. c. 40, and 5 Geo. 4, c. 96, *Hammill* 2316, 2317——Exceedingly unsatisfactory operation of the Act 5 Geo. 4 as regards reference to witness for arbitration, in the event of masters and workmen in the silk trade disputing about workmanship as affecting the rate of wages, *ib.* 2318–2323. 2325. 2334. 2376, 2377——Endeavour of witness to reconcile disputes in the silk trade, without exercising the penal powers of the Act, *ib.* 2339. 2341, 2342——Explanation as to his having applied the Act 6 & 7 Vict. c. 40, to silk weavers, *ib.* 2349–2367.

See also *Act 5 Geo. 4, c. 96.*

Maitland, William. (Analysis of his Evidence.)—Potter, in the clay department of the trade, 2557, 2558——Considers that the contemplated Councils of Conciliation would be of essential service to the pottery and other trades as a means of preventing strikes, 2559–2563. 2601. 2608. 2670. 2676——Represents the views of the hollow-ware pressers and flat pressers, who are unanimous in their desire for the proposed councils, 2559, 2663–2669.

There have been several strikes in the Potteries district; the last serious one was about five years ago, 2564, 2565——Occurrence of strikes chiefly when trade is brisk, 2566. 2659. 2672——Origin mainly of disputes and strikes through bad usage in the system of "good from oven," 2567. 2589. 2671——System of arbitration adopted by the masters and workmen about five years ago, for the settlement of disputes; successful operation of the same in reconciling differences and preventing strikes, 2568–2571. 2579–2593——Expediency of a legislative enactment for the Potteries notwithstanding the success of the voluntary arrangement, 2571.

There should be an equal number of masters and operatives on the proposed councils, with an independent chairman, 2572–2575——The chairman should be appointed by Government, 2573. 2692–2695——The decisions of the council should be final, 2576. 2579——Willingness of masters and operatives in the pottery trade to refer to arbitrators, and to abide by their decision, 2577–2579. 2586. 2609. 2628. 2660–2662.

Effect of trades' unions in rendering workmen more independent, 2593——Object of trades' unions, independently of the protection of wages, adverted to, as showing that Councils of Conciliation would not put a stop to them, 2594, 2595——Employment of from 40,000 to 50,000 operatives in the Staffordshire Potteries, 2597——Stoppage of the entire trade in the event of the stoppage of any branch of it through means of a strike, 2598–2601.

Particulars relative to the "good from oven" system, in which the parties interested are the hollow-ware pressers and the flat pressers; the system is a grievance, in the fact that particular workmen are subject to a loss through the neglect of others, over whom they have no control, 2602–2607. 2629–2656——Means for remedying the grievance under the system of "good from oven," 2607. 2629, 2630——Disputes under the system might very properly be referred to arbitration, 2608, 2609.

Nature of the 12 months' agreement between employers and employed in the Potteries' district; amendment desirable, in order to render it mutually fair, 2610. 2615, 2616——Average earnings of from 20 *s.* to 25 *s.* a week in the pottery trade, 2611–2614——Suggestions relative to the electoral body in the pottery trade, by whom the arbitrators for the workmen should be chosen, 2617–2626. 2684–2687——Mode of election of workmen as arbitrators under the present voluntary system, 2622–2626. 2684, 2685——The arbitrators for the workmen are paid for their services, 2627.

Probable increase of earnings if the "good from oven" system were discontinued, 2653–2656——Satisfactory arrangements in the trade in regard to the employment of apprentices, 2657, 2658——Willingness of almost all the manufacturers to insert the arbitration clause in their agreements with the men, 2660–2662——In trades generally strikes occur through an endeavour to get back, in the shape of wages, &c., what has previously been taken from the workmen, 2673–2675——Each district and trade should have its own Council of Conciliation, 2677–2683——Opinion that the proposed courts can be managed without much expense, 2679. 2710. 2713——Five delegates from each side would be a good number, 2688–2690.

Importance of a general Board or Committee; their intervention would, in most cases, prevent the necessity of arbitration, 2691.——The general Board might recommend upon sanitary questions, *ib.*——Objection to arbitration through the medium of the magistrates, 2696–2698——Great loss to masters and workmen in the strike in the Potteries in 1836–37; 2699–2708——Concession by the masters, which ended this strike, 2707——It would not have occured at all if the masters had been willing to submit to arbitration, 2708, 2709——A parochial rate might be levied for the payment of the expenses of the proposed courts, and of the arbitrators themselves, 2710–2714.

Masters. Objection chiefly of employers to a system of arbitration, *Winters* 107; *Dunning* 2148. 2196, 2197——In some trades the masters, as well as the men, have shown that they are favourable to arbitration, *Humphries* 518. 534–536——Probable objection of many masters to submit to the proposed Courts of Arbitration, *Molesworth* 867, 868. 873——Difficulties likely to arise through the possibility of a master, who employs a large body of men, being represented on the tribunal by small masters who are but little more than workmen, *ib.* 910–917.

Doubt as to the proposed courts being acceptable to the masters, *Forster* 1253. 1272. 1304–1306——Improbability of the control and power of masters being curtailed by the Arbitration Courts, *ib.* 1305——Difficulty in rendering the operation of the proposed courts equally satisfactory to the large manufacturers and to the small firms, *Smith* 1390–1396——Insufficiency of the present law in regard to arbitration, inasmuch as the masters need not and do not resort to it, *Lees* 2958–2960. 2966.

See also *Combinations of Masters.* *Strikes.*

Middlemen. Injurious result consequent on the overseer rather than the master being the party to interfere in the event of disputes, *Winters* 185. 198, 199——Satisfaction to workmen when not subject entirely to the control of overlookers or middlemen, *Forster* 1223,1224——Unsuitableness of overlookers as representatives of the men, or of the masters, on the contemplated tribunals, *ib.* 1244, 1245. 1254. 1266–1268——Practice in the worsted and cotton trades in regard to the employment and duties of overlookers, *ib.* 1244. 1274–1285——Advantage if a clause in the Ticket Act, which, as witness considers, treats middlemen in the light of masters, were applicable to all trades, *Ferdinando,* 2277–2279. 2289, 2290.

Miners. Evidence relative to a strike at the present time among the miners of Lanarkshire and some of the adjoining counties, in consequence of an attempt to reduce their wages to the extent of 1*s.* a day, *Proudfoot* 2911–2923. 2927–2935. 2948–2955——Reference to a paper, issued on 26 March, stating the grievances complained of by the miners of the Holytown district, near Glasgow, *ib.* 2912. 2927–2935——From 17,000 to 20,000 are engaged in this strike, *ib.* 2914——Another estimate places the number at from 30,000 to 40,000, *ib.*——Circumstance of one of the complaints put forward by the miners being that they are subjected to the truck system, *ib.* 2935. 2939——Estimate aggregate loss of 300,000*l.* per month to employers, employed, and shopkeepers, whilst this strike continues, *ib.* 2948–2955——The strike commenced at the end of March last, *ib.* 2952.

Minister of Labour. The appointment by Parliament of a Minister of Labour is one of the objects of the association with which witness is connected, *Winters* 6.

Molesworth, Guilford Lindsay. (Analysis of his Evidence.)—Civil Engineer, 636——Has had peculiar opportunities for becoming acquainted with the views of the working classes upon the subject of strikes, &c., 637–643——Sundry causes from which strikes arise, the chief cause being disagreement about wages, 644–646——Reluctance with which strikes are entered into by workmen, they being moreover sometimes forced to do so against their will by trades' unions or agitators, 647, 648. 651. 653, 654. 788——Particulars connected with the strike in 1851 of the Amalgamated Society of Engineers; sundry objects sought to be attained thereby, 648 *et seq.*

Approval of the refusal of masters to employ men who belong to trades' unions, or have joined in strikes, 651, 652. 689, 690. 702–704——Beneficial operation of societies for the care of men in sickness, as distinguished from societies for interfering with wages, 653. 690–692——Injurious effects of trades' unions and of strikes, though to a certain extent they must be considered necessary evils, 653. 671 *et seq.*——Tendency of equitable tribunals of arbitration to prevent combinations, and to put a stop to strikes, 656, 657. 700. 722, 723. 756. 861, 862.

Effect of the introduction of machinery in causing a temporary want of employment, though eventually employment is increased thereby, 658–670——Objections to combinations for the purpose of resisting the use of improved machinery, 671–677. 725–733. 887, 888——Impropriety of combinations for the abolition of piecework, such abolition being advantageous only to the idle and less efficient workmen, 678, 679. 715–719——Inexpediency of combinations against the employment of apprentices, 681–683——Prejudice to the more able and industrious workmen if over-time were abolished, as contended for by the Amalgamated Society of Engineers, 684–688. 750, 751.

In some cases unions have been rendered necessary by the oppression of the masters, 693–697. 701——Combinations of masters as of workmen, though necessary sometimes, are alike injurious and objectionable, 698, 699. 702–708——More power of trades' unions than of the union of the workmen merely of any one master, 710–714. 831–837——Effective manner in which some clubs or unions are organised; instance of this, 711——Abuses in the system of piecework among engineers; Boards of Arbitration might remedy the same, 715–721. 743–749.

Effect of extensive organizations in checking the investment of capital, 724–735——Trades' unions exist in the principal trades of the country, 736, 737——Circumstance of some strikes resulting in the emigration of workmen joining therein, 738–742——Many strikes occur without being generally known, 752–755. 831——Inoperativeness of the Act

Report, 1856—*continued.*

Molesworth, Guilford Lindsay. (Analysis of his Evidence)—*continued.*

Act 5 Geo. 4, c. 96, through the objection of workmen to come before magistrates, and through the Act not being generally known, 757-762. 771-773. 845-848——Objection made to the Act on account of the magistrates to enforce it being often manufacturers, 758, 759. 772.

In most instances strikes end in the defeat of the workmen, more especially when the combination in one trade is general, 763-768. 780-784. 826-837——Prejudicial effect upon workmen, even when their combinations are successful, 765. 768-770. 775. 825. 838-841——Expediency of a ready access to means of arbitration when a dispute occurs, 773, 774——Circumstances under which strikes are necessary and beneficial, 775-779——Tendency of strikes to prevent wages getting lower, 775, 776. 841——Strikes are less common than they used to be, 785——Tendency of late years to more extended combinations both of masters and men, 786, 787——More temperate and legitimate manner in which combinations of workmen have of late been conducted, 786. 813-824——"Lock-outs" on the part of the masters are more common than formerly, 789-791.

Greater effect of competition in trade than of strikes upon the rate of wages, 792-796——Objection to rendering combinations of workmen illegal, 797-800——Combinations of workmen are more frequent than of masters, and have, in fact, led to the latter, 801. 808-811——Greater difficulty for the masters than for the men to work together unitedly in combination, 802-807——Immediate demands at times of the men, 812——Kindly disposition which leads to the opposition to over-time, 817-824——Frequency of strikes when times are bad, and support almost impossible, 827-830——Masters often forego orders on account of strikes, 829. 842.

Difficulty in adopting a system of contract between master and men, so framed that the employment and wages may be regulated, as in the case of a domestic servant, 849-855. 863-866——Effect of the arrangements as to notice upon the liability to strike, 856-860——Probable objection of many masters to submit to the proposed courts of arbitration, 867, 868. 873——Propriety and practicability of making the arbitration compulsory in almost all matters, save the direct question of wages, 867-873. 914. 968, 969——Practicability and expediency in some instances of arbitrating upon certain questions as to the introduction of machinery, 817. 872. 887, 888. 920-943——The arbitration tribunals should be divested of all legal character, 876.

Objection, chiefly on the score of expense, to standing tribunals, save for some of the largest trades, 876. 897-901——Suggested division of England into five districts, for each of which a person should be appointed as president of local tribunals 876——As each dispute arose, an equal number of masters and operatives should be selected as members of the tribunal, the president exercising a general control and having the casting vote, 876. 889-891. 895-897. 902, 903——Arrangements to be made by the president in convoking the tribunal, and in providing local accommodation for their sittings, 877-883.

The president for each district should be a paid officer, and should be permanently appointed, 884, 885——The other members of the tribunal should be paid during the time of their sitting, 886——Difficulty and expense in appointing a standing tribunal for each trade; return, showing a number of nearly 200 trades, adverted to hereon, 891-895. 897-901——Advantage of the intercommunication of masters and men sitting together on the tribunal, 902, 903——Though inconvenient and embarrassing, there should be a compulsory power as to the production of books and papers, 904-907. 951.

Difficulties likely to arise through the possibility of a master who employs a large body of men being represented on the tribunal by small masters who are but little more than workmen, 910-917——Objection to the practice formerly in France, whereby the masters selected the workmen, and the workmen selected the masters, 918, 919. 944-949——Advantage if cognate trades were to a certain extent grouped together, and their disputes regulated by the same arbitration tribunal, 950-955——Mode in which representatives of the workmen might be selected by the local body, 956-958——For several reasons it would be better that the courts were closed rather than open, 959.

Municipal Corporations Act. Doubt as to employment having been more certain, or strikes less frequent previously to the Municipal Corporations Act, *Winters* 412-419.

N.

National Association of United Trades for the Protection of Industry:

1. *Generally, as to the Constitution of the Association.*
2. *Proposition by the Association in regard to Arbitration.*
3. *Settlement of Disputes through the Operation of the Association.*

1. *Generally, as to the Constitution of the Association:*

Witness is corresponding secretary to the association, *Winters*, 1——The association comprises from 5,000 to 6,000 persons, *ib.* 2——Various trades all over the country are represented

Report, 1856—*continued.*

National Association of United Trades, &c.—continued.

1. *Generally, as to the Constitution of the Association*—continued.

represented in it, *Winters* 3, 4——It was established in March 1845, *ib.* 5——Witness enumerates from the rules of the association the objects for which it was formed, and delivers in a copy of the rules, *ib.* 6, 7.

Appointment annually of the members of the central committee of the association by the whole body of the members, *Winters* 9——The central committee, sitting in the Metropolis, comprises three members and a president, *ib.* 12–14——Each local society of trades has also an independent local committee, *ib.* 13. 90–92. 147——Slight employment now given by the association, *ib.* 20——Each member fixes his own subscription, and receives a corresponding payment (upon the principle of life assurance) in the event of a strike, *ib.* 93–97. 325. 326.

The members of the association must submit to its decisions, or else lose the benefits of membership, *Winters* 108. 145, 146——Pressure indirectly upon some workmen to become members, *ib.* 124–127——Each member is registered under the trade to which he belongs, *ib.* 128, 129——Through the assistance of the association, members sometimes change from one trade to another, and sometimes remove from one locality to another, for the sake of better earnings, *ib.* 130–135.

2. *Proposition by the Association in regard to Arbitration:*

The establishment of Local Boards of Trade or Courts of Conciliation and Arbitration is one of the objects of the association, *Winters* 6——A plan at one time put forward by the association for transferring the compulsory powers under the statute to Local Boards of Trade, is not now advocated by them, *ib.* 165, 166.

Witness reads a paper embodying his views and those of the association upon the constitution and operation of Boards of Arbitration, *Winters* 184–195——Probability of witness's plan being objected to in some respects by other members of the association, *ib.* 379, 380.

Since his former examination, witness has had sundry communications from different places in approval of his proposition for arbitration, *Winters* 510.

3. *Settlement of Disputes through the Operation of the Association:*

Duty of the members of the association, in the event of any dispute with their masters, to communicate at once with the committee, *Winters* 8——Mode of communication with the masters adopted by the committee on the part of the workmen, *ib.* 8. 21——In some instances the committee arbitrate in favour of the acceptance of the masters' terms, *ib.* 8. 10, 11.

Statements showing that in 1848, 98 cases of dispute were brought before the committee, of which 46 cases were settled by mediation, *Winters* 15–19——Out of these 98 cases, 52 resulted in the men leaving their employment and being supported or employed by the association, *ib.* 16——The mediation of disinterested parties has in some cases been resorted to, *ib.* 22——Large proportion of cases settled by mediation in 1854 and 1855, *ib.* 22. 24.

Respect of the members or workmen for the arbitration of the association, *Winters* 73–75. 107–109. 113, 114——Instances of successful mediation by the association where the operatives concerned were not members of it, *ib.* 78——References of cases of dispute to the local committee in the first instance, and subsequently, if necessary, to the general or central committee, *ib.* 141–147.

Testimony to the very successful operation of the association in reconciling disputes between masters and operatives, and in preventing strikes through means of arbitration, *Humphries* 514.

See also *Bobbin-turners.* *Salt Trade.*

Newton, William. (Analysis of his Evidence.)—Is an operative engineer, 1514——Occurrence generally of strikes on account either of a reduction of wages being offered by employers, or of an advance of wages being demanded by the workmen, 1515–1518. 1538. 1571——In the engineers' trade, the majority of strikes have occurred irrespectively of the question of wages, 1515—— Impropriety of the practice of employers to give a short notice of reduction without previously communicating with the men, 1517, 1518. 1571–1573.

Approval of the contemplated councils of conciliation as an effectual check upon strikes, 1519 *et seq.*—— Causes of the inoperativeness of the Arbitration Act, 1522–1526. 1540, 1541. 1558–1565——Opportunity and willingness of employers and employed to submit to private arbitration rather than to come under the Act, 1523, 1524. 1540. 1558–1565——Impracticability of the councils interfering as regards future contracts, or settling how long a certain rate of wages or a certain practice as to over-time, &c. shall continue, 1523–1525——The councils should only interfere when a private settlement could not be arrived at, 1536.

Difficulty in providing a separate council for each trade, 1527——Objection to the French system of the masters appointing the workmen, and the workmen the masters,

Report, 1856—*continued.*

Newton, William. (Analysis of his Evidence)—*continued.*

1528——Half the number of the council should be elected by the masters and half by the workmen, 1528. 1550 —— Advantage of a registration of workmen in order to carry out elections from the body to serve on the tribunal, 1528–1530. 1537—— Approval of each trade appointing a delegate, and of the delegates appointing their representatives on the tribunal, 1531–1536.

Individual reductions on the score of the inability of the workmen should not be interfered with, 1538. 1546, 1547——In cases only of past contract, or where strikes were likely to arise, should there be an intervention of the courts, 1538 *et seq.*—— Belief that all past strikes might have been prevented had there been courts of arbitration in existence, 1539——The effect of public opinion would render unnecessary any special means for enforcing the decisions of the courts, 1541, 1542. 1566, 1567.

Propriety of the courts settling the rate of wages for piece-work in those trades where piece-work is already regulated by certain book-prices, 1543–1549. 1577–1579*—— Importance of a neutral party to preside over the tribunal, 1551——Doubt as to the propriety of the president being appointed by Government, inasmuch as workmen would not have sufficient confidence in him, 1551–1557——Approval of the president being a legal personage, 1552, 1553.

Practice as to the length of notice by employers before reduction of wages, 1568–1570 ——The shortness of the notice would not matter if subsequently the master were properly accessible to representations from the men, 1571–1573——Non-political character of all trades unions established of late years, 1574–1576——Propriety of the proposed courts interfering with the exorbitant deductions in the hosiery trade, &c., 1580, 1581——Less confidence in a Government Commissioner than in the contemplated courts, 1582, 1583 ——Reasons for the courts being permanent, 1584.

The Amalgamated Society of Engineers still exists, but has no paid agents, 1585, 1586——The union of employers also is in existence, and still employs Mr. Sidney Smith as secretary, 1585. 1587–1589——Objects of the amalgamated society independently of the question of wages, 1590——Offers made by the society in the lock-out of the masters in January 1852, to submit the questions between them to arbitration; refusal of the same by the masters, 1592–1595. 1621–1630——Lord Cranworth's opinion or letter (against the operatives) was written on the day of the lock-out, 1592——The case was represented to Lord Cranworth in a partial manner, and his opinion was founded upon mistaken premises, 1593. 1603–1610. 1635–1640.

Denial that the operatives' association was influenced in its demands by persons not in the trade, 1594. 1600——Evidence in justification of the demands put forward by the association, which were chiefly the abolition of overtime and piecework, 1596, 1597. 1600. 1649–1655. 1657–1671——The dispute would never have proceeded to extremity if there had been councils of arbitration in existence, 1598, 1599. 1646, 1647. 1656 ——Incorrectness of statements as to the engineers having resorted to intimidation, 1601, 1602.

Papers on the subject of the dispute delivered in, and explanations thereon, 1610–1634——Incorrect representation of the press in terming the dispute a strike on the part of the operatives, 1641–1645——Hours of labour of engineers adverted to in connexion with overtime, and its evils morally and physically, 1657–1671——Non-objection to the present system of payment of engineers' wages in London on Saturday, they being generally paid at a sufficiently early hour, 1672–1676.

Norway. Constitution and operation of courts of arbitration in Norway at the present time, *Essery* 984.

Notice of Reduction of Wages. Effect of the arrangement as to notice upon the liability to strike, *Molesworth* 856–860——Impropriety of the practice of employers to give a short notice of reduction, without previously communicating with the men, *Newton* 1517, 1518. 1571–1573——Practice as to the length of notice by employers before reduction of wages, *ib.* 1568–1570——The shortness of the notice would not matter, if subsequently the masters were properly accessible to representations from the men, *ib.* 1571–1573.

Nottingham. Common feeling of masters and men at Nottingham in favour of courts of arbitration, so that strikes and magisterial interference may alike be obviated, *Felkin* 1006–1010.

Nottinghamshire. Partial settlement of a strike in Nottinghamshire, through arbitration at the suggestion of witness, *Winters* 466–471.

Number of Councils. Advantage if cognate trades were to a certain extent grouped together, and their disputes regulated by the same arbitration tribunal, *Humphries* 633, 634; *Molesworth* 950–955——Adequacy of one tribunal to deal with all the trades of certain defined districts, *Felkin* 1013–1032. 1072–1074——Difficulty in providing a separate council for each trade, *Newton* 1527——There should be a separate Board for each separate trade, *Ferdinand* 1852–1855; *Proudfoot* 2874, 2875; *Lees* 2983–2985 ——Each district and trade should have its own council of conciliation, *Maitland* 2677–2683; *Avent* 2745.

Report, 1856—*continued.*

O.

Operatives. Belief that the majority of workmen are in favour of Boards of Arbitration composed of masters and operatives, *Winters* 112-116. 136, 137. 152, 153——Willingness of workmen to submit to arbitration, as shown by the feelings of those engaged in the Preston strike, *Humphries* 515-522——Greater readiness of the men than of the masters to submit to the courts, *Smith* 1400, 1401. 1413——Willingness of workmen to abide by the decision of the proposed Boards, *Ferdinando* 2243-2248. 2256.

List delivered in by Mr. Molesworth, of manufactures, &c. in which large bodies of men are employed, distinguishing those most affected by strikes or disputes, *App. p.* 260 —— List of manufactures, &c. in which the number of workmen is comparatively small, *ib.* 261.

See also *Strikes. Trades' Unions. Wages.*

Overtime. Prejudice to the more able and industrious workmen if overtime were abolished as contended for by the Amalgamated Society of Engineers, *Molesworth* 684-688. 750, 751——Kindly disposition among workmen which leads to the opposition to overtime, *ib.* 817-824——Impracticability of deciding by arbitration upon individual cases of overtime, &c., without prejudicial distinction between such cases and the practice of the trade generally, *Smith* 1321, *et seq.* 1368, 1369——Hours of labour of engineers adverted to in connexion with overtime, and its evils morally and physically, *Newton* 1657-1671.

See also *Engineers*, 2, 3.

P.

Patents (*Machinery*). Great benefit to the community at large if all patent rights in regard to the employment of new machinery were abolished, and the inventors remunerated by the nation, *Felkin* 1082.

Payment of Wages. Non-objection to the present system of payment of engineers' wages in London on Saturday, they being generally paid at a sufficiently early hour, *Newton* 1672-1676.

Piecework. Impropriety of combinations for the abolition of piecework, such abolition being advantageous only to the idle and the less efficient workmen, *Molesworth* 678, 679. 715-719——Abuses of the system of piecework among engineers; Boards of Arbitration might remedy the same, *ib.* 715-721. 743-749.

Propriety of the proposed courts settling the rate of wages for piecework in those trades where piecework is already regulated by certain book prices, *Newton* 1543-1549. 1577-1579.*

See also *Compulsory Arbitration. Engineers*, 2, 3. *Jurisdiction of Councils.*

POTTERIES:

1. *System of Voluntary Arbitration in successful Operation.*
2. *Practice of Hiring for Twelve Months, with a condition about Arbitration.*
3. *Disputes through the "Good from Oven" System; the same considered.*
4. *General Feeling in the District in favour of Boards of Arbitration.*
5. *Rate of Wages in the Trade.*
6. *Other Evidence generally.*

1. *System of Voluntary Arbitration in successful Operation:*

Evidence relative to the system of arbitration adopted by masters and workmen about five years ago for the settlement of disputes; successful operation of the same in reconciling differences and preventing strikes, *Humphries* 534-536. 607-609; *Hollands* 2387-2397. 2404, 2405. 2411. 2423-2425. 2435, 2436. 2446. 2470-2482; *Maitland* 2568-2571. 2519-2593——Satisfactory adjudication by the Potteries Chamber of Commerce in the case of a dispute at the Heaths of Tunstall, *Humphries* 607-609——The Board of Arbitration comprised three masters and three workmen, each party electing its own representatives, *Hollands* 2393. 2423-2425——In no case have the masters and workmen forming the Board required an umpire or chairman, there being always a majority among themselves, *ib.* 2394. 2446. 2470.

Approval by the majority of manufacturers at Stoke-upon-Trent of the system of settlement by arbitration, *Hollands* 2408-2410. 2461, 2462——Satisfaction both to masters and workmen by the decisions of the Board of Arbitration, *ib.* 2427, 2428. 2470, 2471. 2481, 2482——Inoperativeness of the Arbitration Act in the district, *ib.* 2420-2422. 2536-2539——Constitution and operation of the Chamber of Commerce at Stoke adverted to, *ib.* 2430-2433. 2520-2522——Tendency of the Chamber of Commerce as well as of the Board of Arbitration to prevent strikes, *ib.* 2520, 2521.

Willingness of workmen to submit to the decisions under the present system, *Maitland* 2579. 2586——Illustration of the working of the system, *ib.* 2588.

Successful operation of the system, adverted to by the Committee, *Rep. p.* iv.

Report, 1856—*continued.*

POTTERIES—continued.

2. *Practice of Hiring for Twelve Months, with a condition about Arbitration:*

Custom peculiar to the pottery trade of hiring workmen under agreement for 12 months, with a condition, in most cases, of submitting disputes to arbitration; this probably facilitates the action of the arbitration tribunal, *Hollands* 2388, 2389. 2402–2404. 2410–2412. 2434. 2463, 2464. 2519——Nature of the 12 months' agreement between employer and employed; amendment desirable in order to render it mutually fair, *Maitland* 2610. 2615, 2616——Willingness of almost all the manufacturers to insert the arbitration clause in their agreements with the men, *ib.* 2660–2662.

Form of agreement used among the Staffordshire potters; system of arbitration comprised therein, *App, p.* 256, 257.

3. *Disputes through the "Good from Oven" System; the same considered:*

Origin of the disputes which come before the Arbitration Board; a main cause of dispute is with reference to the quality of the work as it leaves the oven, *Hollands* 2397. 2403-2405. 2465-2467. 2472-2480——Objection to an Arbitration Board deciding whether the system which is termed "good from oven" be abolished or not, *ib.* 2466, 2467——Explanation and approval of the system of "good from oven," *ib.* 2466, 2467. 2472-2478. 2491. 2505, 2506. 2523-2527.

Origin mainly of disputes and strikes through bad usage in the system of "good from oven," *Maitland* 2567. 2671——Particulars relative to the system, in which the parties interested are the hollow-ware pressers and the flat pressers; the system is a grievance, in the fact that particular workmen are subject to a loss through the neglect of others, over whom they have no control, *ib.* 2602–2607. 2629–2656——Means for remedying the grievance, *ib.* 2607. 2629, 2630——Disputes under the system might very properly be referred to the proposed courts, *ib.* 2608, 2609——Probable increase of earnings if the "good from oven" system were discontinued, *ib.* 2635–2656.

4. *General Feeling in the District in favour of Boards of Arbitration:*

Witness represents the views of the hollow-ware pressers and the flat pressers, who are unanimous in their desire for the proposed councils, *Maitland* 2559. 2663–2669——Willingness of masters and operatives in the pottery trade to refer to arbitrators and to abide by their decisions, *ib.* 2577–2579. 2586. 2628. 2660–2662.

5. *Rate of Wages in the Trade:*

The rate of wages in the pottery trade is very good, *Hollands* 2398-2401——Average earnings by workmen of from 20 *s.* to 25 *s.* a week, *Maitland* 2611-2614.

6. *Other Evidence generally:*

Cessation of employment in the pottery trade if those engaged in the colliery trade were to strike, *Humphries* 531–533——Large manufacturers at Stoke-upon-Trent, *Hollands* 2395——Occurrence of strikes mostly when trade is brisk, *ib.* 2418——Considerable competition in the trade, large capital not being necessary, *ib.* 2528, 2529.

There have been several strikes in the Potteries district; the last serious one was about five years ago, *Maitland* 2564, 2565——Employment of from 40,000 to 50,000 operatives in the Staffordshire Potteries, *ib.* 2597——Stoppage of the entire trade in the event of the stoppage of any branch of it through means of a strike, *ib.* 2598–2601——Satisfactory arrangements in the trade in regard to the employment of apprentices, *ib,* 2657, 2658——Great loss both to the masters and workmen through the strike in 1836, *ib.* 2699–2708——This strike would not have occurred at all if the masters had been willing to submit to arbitration, *ib.* 2708, 2709.

President of Council. See *Chairman, or President.*

Press, The. Importance of the press as a means of checking strikes, *Smith* 1416. 1418. 1448, 1549.

Preston Strike. Reference to the Preston strike, which involved an immense loss to the men and was very injurious to the masters, as one which might have been prevented if the masters had been subject to a system of arbitration, *Winters* 185. 190–192. 196, 197——Proposition for arbitration made by the men and rejected by their employers, *ib.* 185. 196, 197——There was no existing union or society of operatives, but collections were sent to them from various quarters, *ib.* 463. 472–476——There was an appeal generally for sympathy, and much money was collected throughout the manufacturing districts. *ib.* 473–476——Total loss of 520,000 *l.* to the operatives, *ib.* 478–484.

Document put forward by the operatives after the strike was over, in which the principle of arbitration is strongly advocated, *Humphries* 515–517——Efforts made by the operatives before the strike took place to avert it by arbitration, *ib.* 519–522——Probable prevention of the strike if there had been boards of arbitration, *Dunning* 2148, 2149. 2228.

Report, 1856—*continued.*

Price's Patent Candle Company. The company employs about 2,000 hands, *Wilson* 1759——Practice in regard to their process of manufacture; ingredients used, *ib.* 1760–1764. 1782, 1783——There have been no strikes among the men employed by the company; attention paid to their complaints, as well as to their general condition, adverted to hereon, *ib.* 1776–1781. 1785–1791.

Printers. Rules recently agreed to by the master and workmen printers of London for the settlement of disputes, *Winters* 314. 321——The principle of the foregoing rules had been in beneficial operation for some years, *ib.* 315–320——Besides the duty of arbitration, the Compositors' Association undertake payment to men out of employment, *ib.* 320. 322, 323——Approval of the recent rules of the Arbitration Committee, *Winters* 422–424; *Dunning* 2226, 2227——Approval of the practice, whereby the party losing in the dispute pays the expenses, *Humphries* 586–588.

Mode of arbitration recently provided by the master and operative compositors, in consequence of their dissatisfaction with the decisions of the law in cases of dispute; it has not yet been put in practice, *Avent* 2718–2721. 2724. 2725. 2732——Appointment by the compositors' tribunal of a barrister as chairman, *ib.* 2727——Payment of the chairman by the day, *ib.* 2730——Appointment by the compositors of an operative committee, which meets weekly, and settles trivial matters, in addition to the standing arbitration committee, which is elected every three months, *ib.* 2749–2756.

Procedure of Councils. Period of appointments, and times of sitting of the members of each council or board considered, *Humphries* 576, 577. 604–606——The arbitration tribunals should be divested of all legal character, *Molesworth* 876——Arrangements to be made by the president in convoking the tribunal, and in providing local accommodation for their sittings, *ib.* 877–883——Advantage of a power in the proposed boards to examine witnesses on oath, *Hollands* 2438, 2439. 2534, 2535——The councils should make their own regulations about their expenses, &c., *Maitland* 2743, 2744——Suggestions by Mr. Edward Humphries, *App. p.* 258, 259.

See also *Books and Accounts.* *Closed Courts.* *Prud'hommes, Conseils de.*

Proudfoot, John Chambers. (Analysis of his Evidence.)—A joiner; in employment at Glasgow, 2831. 2835——Has been secretary to a trades' union, 2832——Represents the views of eight trades in Glasgow upon the subject before the Committee, 2833–2835——Strong feeling among workmen in Glasgow in favour of councils of conciliation as a means of preventing strikes, 2835. 2837. 2848–2850——Loss occasioned by strikes, not only to the parties immediately concerned, but to the nation at large, 2835, 2836.

Considerable loss occasioned a few years since by a strike among the Glasgow joiners, 2838——Particulars relative to a strike among the joiners in 1855, involving indirectly a question of increase of wages; concession ultimately to the demands of the men, 2838–2845——Importance of intercommunication between employer and employed through means of the proposed councils, 2846. 2872——The chairman should be independent of either party, and might be selected either by the council or by Government, 2846. 2851. 2855–2860.

Good effect anticipated from the advice of the council, and, through it, of public opinion in regard to future rates of wages, upon which point their decision should not be compulsory, 2846, 2847. 2860–2863. 2866–2869. 2876, 2877——There should be an equal number of masters and workmen on each council, 2851. 2855——On all retrospective questions or matters of contract the decision of the council should be binding, 2852. 2864, 2865. 2868——The common law of Scotland, though empowered to deal with retrospective cases, is not suitable for the purpose, 2852–2855.

In Scotland the sheriff would be an eligible person for chairman, 2858–2860——Usefulness of the councils in deciding disputes about workmanship, 2858——Variation of wages in different districts, according to the demand for labour, 2870, 2871——When disputes arise the sheriff might be called upon to summon a council of conciliation, 2873. 2878——Necessity of different councils for different trades, 2874, 2875——The parties respectively concerned should elect their own arbitrators, 2878. 2880——If thought proper the different trades could appoint their arbitrators before disputes arose, 2879.

Object of the joiners' union to prevent reduction of wages, 2881–2884——Councils of conciliation would not effect all the objections aimed at by trades' unions, which unions would still to a great extent continue, 2885——Very serious dispute through Messrs. Denny, of Dumbarton, turning away all their workmen who belonged to trades' unions, 2886–2888——The joiners' association pay 10 *s.* weekly to each man upon strike, 2889, 2890——Before strikes take place the question must be submitted to the committee of the association, 2890——Constitution and mode of election of the committee, 2891–2894.

Nearly universal practice in Glasgow to cease from labour at two o'clock on Saturday; advantages thereof, 2895–2904——The truck system is not now practised in Glasgow, 2905, 2906. 2941——Willingness of many employers in Glasgow to discuss disputes with their workmen in a conciliatory manner, 2908, 2909. 2924–2926——Strikes have increased of late years, but have been conducted in a better spirit, 2910, 2911——

Report, 1856—*continued.*

Proudfoot, John Chambers. (Analysis of his Evidence)—*continued.*

Evidence relative to a strike at the present time among the miners of Lanarkshire and some of the adjoining counties, in consequence of an attempt to reduce their wages to the extent of 1*s.* a day, 2911–2923. 2927–2935. 2948–2955.

Reference to a paper from the coopers of Glasgow, showing the evil effects of strikes, and advocating the establishment of courts of arbitration, 2935–2937——Circumstance of one of the complaints put forward by the miners being, that they are subjected to the truck system, 2935. 2939——The system of truck is very injurious to the operative, and should be dealt with by the proposed councils, 2940–2947——Existence of the truck system chiefly in country districts where there are large employers, 2941, 2942.

Prud'hommes, Conseils de. Evidence in favour of the adoption in this country of the principle of the "Conseils de Prud'hommes," such councils having been found most successful in France, *Felkin* 1011. 1036. 1039–1044——Illustration of the success of the system, *ib.* 1041——The "Conseils de Prud'hommes" generally apply to all trades in the several districts, but sometimes deal only with particular trades grouped for the purpose, *ib.* 1072, 1073——Mode of enforcing the awards of the councils, *ib.* 1091.

The "Conseils de Prud'hommes" do not appear to interfere with the question of wages, nor is their system applicable to, or desirable in, this country, *Forster* 1243, 1244. 1269. 1315–1317.

Satisfactory operation of the "Conseils de Prud'hommes" at Lyons, *McDonald* 2010——Difference between the Macclesfield and Lyons systems of conducting the silk trade; advantage of the latter, *ib.* 2010–2015.

Witness lays before the Committee the views of M. Arles Dufour, a well-known silk merchant at Lyons, and late secretary to the Universal Exhibition at Paris, as expressed in letters to witness in 1852, upon the question of councils of conciliation, with reference more especially to the beneficial operation at Lyons of the "Conseil de Prud'hommes," *Lord Goderich* 2817, 2818——Document (*App. p.* 273) forwarded to witness through M. Dufour, showing the result of the operation of the Conseil for the years 1846–51, *ib.* 2818–2820——Other documents delivered in (*App. p.* 273–276), as forwarded by M. Brisson, the president of the conseil at Lyons, with reference to the detailed conduct of the Conseil, *ib.* 2821–2823——Paper delivered in (*App. p.* 276–280), and explanatory comment thereon, with reference to the very satisfactory operation of the Conseil in the years 1852–53, *ib.* 2823, 2824——History of the establishment and general regulation of the "Conseils de Prud'hommes" in France; the one first established was that at Lyons in 1806, *ib.* 2827–2829.

Reply from authorities in France, and from the Chancellor to the French Embassy in London, to questions submitted by the present Committee; testimony therein to the beneficial operation of the system of the Prud'hommes, *App. p.* 280.

Further document relative to the establishment of the Conseils de Prud'hommes in France; there are at present about seventy-four in operation; *App. p.* 282–286——Details as to their constitution, *ib.* 282, 283——Judicial functions vested in them, *ib.* 283, 284——Mode of procedure, *ib.* 284, 285——Expenses and charges, *ib.* 285.

Further particulars, as contained in a memorandum by Sir Henry Halford, *App. p.* 286–291.

Want of power in the councils to adjudicate with respect to future contracts, *Rep. p.* iv.

See also *Belgium. Chevalier, Michel. Expense.*

Public Opinion. Advantage anticipated from the effect of public opinion through the publicity of the courts, *Winters* 249. 382; *Andrews* 1202——Benefits derivable from public opinion as a means of terminating disputes and strikes; advantage on this score of the contemplated courts, or rather of some eminent public officer unconnected with either party, *Smith* 1416–1424. 1446. 1448, 1449——The effect of public opinion would in the main render unnecessary any special means for enforcing the decisions of the courts, *Newton* 1541, 1542. 1566, 1567; *Lees* 2969–2977. 2981.

Suggested enlargement of the 13th clause of the Act 5 Geo. 3, c. 96, so that in the event of a dispute, where the parties do not agree about arbitration, either party might ask for the arbitration of a competent person deputed by the Home-office, *Forster* 1752–1757——Anticipated successful result of the decision of the proposed functionary, though not compulsory, in its action upon public opinion, *ib.* 1753–1755——Possibility of the action of some independent public authority being beneficial through its effect upon public opinion, *Wilson* 1772–1775.

Q.

Qualifications of Arbitrators. Experience necessary in the persons to represent the masters and workmen, *Felkin* 1044. 1076.

R.

Registration of Workmen. Advantage of a registration of workmen, in order to carry out elections from the body to serve on the tribunals, *Newton* 1528–1530. 1537.

Registry

Report, 1856—*continued.*

Registry of Designs. Anticipated facility, through means of the proposed Boards, for registering designs of patters, and for obviating the expensive law proceedings now necessary for infringements of invention, *Winters* 507–510.

Relations between Employers and Employed. See *Intercommunication. Strikes.*

Remuneration of Arbitrators. The judge or president of the proposed courts of arbitration should be paid by the public, *Winters* 186——The other members of the court should only be paid by the parties whom they represent, *ib.* 187——Different means by which the expenses or salaries of the members of the Boards might be defrayed; belief as to the willingness of the workmen to contribute for the purpose, *Humphries* 585. 592. 615–622. 630——Difficulties in the way of a local rate for defraying the expenses, *ib.* 616, 617. 630.

The ordinary members of the tribunal should be paid during the time of sitting, *Molesworth* 886——Propriety if practicable, of paying the arbitrators by a rate to be contributed by the district which they represent, *Hollands* 2454–2458. 2508–2510——The arbitrators for the workmen in the pottery trade are paid for their services, *Maitland* 2627——A parochial rate might be levied for the payment of the expenses of the proposed court, and of the arbitrators themselves *ib.* 2710–2714——Mode of remuneration of the compositors' committee of operatives, *Avent* 2736–2738.

See also *Costs.*

Roman Law. The system in France is based on the Roman Law of arbitration; such law explained, *Essery* 984–986.

Rose, Charles. (Analysis of his Evidence.)—Is an operative silk-weaver, 2757——Explains the different ways in whish reductions, as leading to strikes, are indirectly made in the earnings of silk-weavers, 2760——Considers that councils of conciliation would be the greatest blessing that could be bestowed upon the silk trade, 2761.

S.

Salt Trade. Successful intervention of the National Association of United Trades in regard to a dispute about wages in the salt trade in Cheshire in 1853, *Winters* 69, 70. 79–82.

Sanitary Regulations. Inexpediency of questions as to ventilation, &c., being decided by courts of arbitration, *Smith* 1243, 1244. 1252–1255——Objection to the interference of the courts as to whether employment in any trade is injurious to health, *ib.* 1347–1351——A general Board or committee might recommend upon sanitary questions, *Maitland* 2691.

Secretary of State. Recommended power in the Secretary of State to license Boards of Arbitration, as applied for by masters and men, *Rep. p.* iv.

Shipwrights. Satisfactory working for a time of a Board of shipwrights at Sunderland for arbitrating upon disputes; how constituted, *Winters* 156–164——Want of power of the masters over the men in the shipping trade at Sunderland, *Smith* 1402–1404. 1485, 1406.

Silk Trade:

I. *Macclesfield:*

1. Origin of the Board of Arbitration in 1849.
2. Constitution of the Board.
3. List of Prices laid down by it.
4. Duration and Operation of the Board; its advantages and disadvantages.
5. Act 5 Geo. 4, c. 96.
6. Generally as to Prices in the Trade.

II. *Spitalfields:*

1. As to the general Conduct and Condition of the Trade.
2. Origin of Strikes.
3. Distressed Condition of the Operatives.
4. As to the Scale of Prices under a former Act.
5. Act 5 Geo. 4, c. 96.
6. Evidence in favour of Boards of Arbitration.

I. *Macclesfield:*

1. Origin of the Board of Arbitration in 1849:

Strike in the trade in 1849, which led to the appointment of the Board, *Higginbotham* 1891——Lamentable result of former strikes, which induced witness to become chairman of the Board, 1891. 1945——Origin of the Board in the confusion and discontent consequent

Report, 1856—*continued.*

Silk Trade. I. *Macclesfield*—continued.

sequent on the disparity of prices for the same work in Macclesfield, *M'Donald* 1981. 1996. 1997. 2005, 2006. 2021–2024.

2. Constitution of the Board :

The Board comprised twelve masters, twelve workmen, and witness as chairman, with a casting vote, *Higginbotham* 1891——Witness was selected by both parties, who seemed to place confidence in him, *ib.* 1891, 1892. 1894. 1906.

Witness was for six months a member of the Board, *M'Donald* 1990. 1998, 1999——Mode of election of workmen to serve on the Board, *ib.* 2016–2019——Voluntary establishment of the Board, *ib.* 2053. 2062——Number of men employed by the twelve manufacturers who served on the Board, *ib.* 2054–2061.

3. List of Prices laid down by it :

Settlement by the Board of a tariff of prices to be paid by the silk manufacturers for the weaving of various fabrics within a certain district; actual wages or earnings were not directly regulated, *Higginbotham* 1892, 1892. 1933–1936. 1963–1979——Arrangement as to prices whilst the tariff was being drawn up, *M'Donald* 1981, 1982.

4. Duration and Operation of the Board; its advantages and disadvantages :

Salutary operation for three years (1849–51) of the Board of masters and workmen, *Winters* 206–213——Satisfactory conduct both of masters and men at the meetings of the Board, *Higginbotham* 1892——Existence and operation of the Board for about ten months, *ib.* 1893. 1896. 1955, 1956——Belief as to the prevention of more than one strike by the arrangements of the Board, *ib.* 1893. 1895. 1905.

Dissolution of the Board and its regulations, through the masters getting work done out of the district, and lowering the settled tariff of prices, *Higginbotham* 1893, 1894. 1897–1900. 1912, 1913. 1917–1924——Effect of the Board in driving away some business from the locality, and thus injuring it, *ib.* 1903, 1904. 1918–1924——Advantage still derived from the scale of prices settled by the Board, *ib.* 1968, 1969.

Existence of the Board of Trade, formed by masters and men in the silk trade at Macclesfield, for three years, 1849–52, instead of only for ten months, as stated by Mr. Higginbotham, *M'Donald* 1981. 2000–2004——It took from ten to eleven months to draw up the book of prices referred to by Mr. Higginbotham, *ib.* 1981. 2002, 2003——Absence of strikes during the three years' existence of the Board, *ib.* 1983–1985. 1995.

Benefits resulting from the intercommunication consequent on the constitution of the Board, *M'Donald* 1984. 1990, 1991——Eventual failure of the Board, owing to its want of legal means for enforcing its regulations, *ib.* 1986–1989. 2009, 2010——Less disparity in prices at Macclesfield when the local Board was sitting, *ib.* 2007, 2008. 2021–2024——Belief that the operation of the Board did not drive away any of the local trade, *ib.* 2020–2023. 2045–2052——Effect in point of law of the book of prices agreed to, *ib.* 2034. 2041–2144. 2070, 2071.

Means of the Board for resisting any infraction of its rules by any particular master, *Higginbotham* 1914–1916——Instances of evasion of the rules laid down by the Board, before its dissolution, *ib.* 1951–1959——Witness admits the correctness of Mr. M'Donald's evidence (Q. 1981) as to the duration of the Board, *ib.* 2116.

5. Act 5 Geo. 4, c. 96 :

Settlement of some disputes at Macclesfield under the Act 5 Geo. 4, c. 96, *Higginbotham* 1946–1948.

6. Generally as to Prices in the Trade :

Verbal agreements generally in the silk trade with regard to men's prices for manufacture, *Higginbotham* 1936–1940——Importance of an improved system of agreement and contract, *M'Donald* 2036–2038——Present practice in the trade in regard to prices for piecework, *ib.* 2072–2075.

II. *Spitalfields :*

1. As to the general Conduct and Condition of the Trade.

Injury to the trade mainly by home competition, foreign competition having but little to do with it, *Howsham* 1680–1684. 1706. 1709——Details as to the conduct of the trade; it is a domestic manufacture, *ib.* 1692–1708. 1728–1735. 1747–1750——Injury to the Spitalfields trade, more especially some years ago, through foreign competition, *Ferdinand* 1801; *Ferdinando* 2266–2269.

There are from 8,000 to 10,000 silk weavers in the City and Spitalfields, *Ferdinand* 1821–1824——Advantages of foreign manufacturers over English manufacturers, in being able to maintain the raw material more cheaply, *ib.* 1867——Sundry kinds of work in which there are great varieties in the price for labour, such work being manufactured mainly in this country, *ib.* 1873–1888.

2. Origin

Report, 1856—*continued.*

Silk Trade. II. *Spitalfields*—continued.

2. Origin of Strikes:

Origination of strikes in the Spitalfields silk trade, through the competition among the manufacturers, and the reduction of wages for the sake of under-selling, *Howsham* 1679——Particular strikes in past years, *ib.* 1679-1682. 1689-1690——Strike in the silk trade in 1841 adverted to as having arisen from an unnecessary reduction of wages, *Ferdinando* 2263-2265.

The disputes in the Spitalfields silk trade have generally arisen about the workmanship and its bearing upon the contract price, *Hammill* 2337-2339, 2343. 2345-2347. 2378-2383——Disputes occasionally on account of the work not being finished by the time contracted for, *ib.* 2339——Different ways in which reductions, as leading to strikes, are indirectly made in the earnings of silk weavers, *Rose* 2760.

3. Distressed Condition of the Operatives:

Evidence showing that the operatives are in a most distressed condition; their average earnings are from 6*s.* to 8*s.* weekly, they constantly work on Sunday, and the trade altogether is in a most declining state, *Howsham* 1709-1740; 1745, 1746——Witness, who does a superior kind of work, earns about 10*s.* a week, *Ferdinand* 1825-1828.

Great physical suffering submitted to by the men when strikes take place, *Ferdinando* 2245. 2255——Reason why, in 1841, the silk weavers, when on strike, submitted to great physical suffering, rather than enter the Bethnal-green Poor Law Union, *ib.* 2269-2271——Working on Sunday is not the general practice, but is rather a deviation from the rule, *ib.* 2308-2311——Frequency of silk weavers applying to the Worship-street police court for assistance in getting into the Poor-law Union, *Hammill* 2384, 2385.

4. As to the Scale of Prices under a former Act:

Comparatively comfortable state of the Spitalfields operatives previously to the repeal of the Spitalfields Act, and the abandonment of the system of an universal price, *Ferdinand* 1799——Necessity for the repeal of the Act, in order to retain the trade in this country, *ib.* 1802. 1817-1820. 1858-1865——Probable effects of the Act in driving away some of the London manufacture, *ib.* 1858-1864——Prohibition by the Act upon the use of foreign-made silks, *ib.* 1865, 1866——Belief that a minimum scale of wages would re-establish the London trade, and would admit of successful competition with the foreign trade, *ib.* 1868-1889.

5. Act 5 Geo. 4, c. 96:

Instances in the Spitalfields trade of proceedings under the Act 5 Geo. 4, c. 96, *Ferdinand* 1831, 1832. 1834-1836. 1839, 1840; *Hammill* 2316, *et seq.*——Process of arbitration under the Act, *Ferdinando* 2281-2283; *Hammill* 2316, *et seq.*

6. Evidence in favour of Boards of Arbitration:

General feeling in the Spitalfields trade in favour of equitable councils of conciliation; beneficial settlement of disputes thereby, *Howsham* 1679-1681. 1684, 1685. 1688——Representations made by the trade to the Board of Trade, in favour of a Bill for the establishment of Boards of Arbitration, *ib.* 1681, 1682. 1741-1744——Anticipated satisfaction to the workmen if a Board of Arbitration be appointed, and a minimum scale of prices compulsorily laid down, *Ferdinand* 1799. 1829. 1849-1851. 1870. 1889——Check to undue competition in the trade by the proposed courts, *ib.* 1810——Where the price for the same work varies, the maximum price should be adopted by the proposed Boards, *ib.* 1889.

Importance in questions of arbitration about piece-work or workmanship in the silk trade of there being some person well conversant with the trade to act as chairman or umpire, *Hammill* 2324, 2325. 2344——Councils of conciliation would be the greatest blessing that could be bestowed upon the trade, *Rose* 2761.

See also *Act* 6 & 7 *Vict. c.* 40. *Broad-silk Manufacturers. Magistrates. Ticket Act.*

Slaney, Robert Aglionby. (Analysis of his Evidence.)—Sat upon a Committee of the House of Commons in 1830 upon a subject somewhat analogous to the present, 2117-2119——Has written a few lines upon the subject now under consideration, and reads them to the Committee, 2120——Approves of councils of conciliation as a means of lessening disputes and strikes, 2120-2124. 2137-2141.

Check upon strikes by the proposed councils becoming conversant with the wages and profits in companies under the Limited Liability Act, 2120. 2124-2132——Advantage of an extension of the limited liability principle, so that workmen may more frequently become small partners, 2120. 2124-2132——Benefits anticipated from the intercommunication and co-deliberation of masters and workmen, 2120, 2121. 2124. 2137-2141——Opinion that compulsory powers cannot well be vested in the contemplated councils, 2122, 2123. 2133-2137——Satisfactory provision at present for the settlement of disputes about partnership matters in small concerns, 2143-2146.

Report, 1856—*continued.*

Smith, Sidney. (Analysis of his Evidence.)—Solicitor; has acted as secretary to the Engineers' Association in London, and has been employed in organising several other associations, 1318. 1356. 1389. 1450, 1451. 1453 1455——Evidence to the effect that the compulsory award of a court of arbitration in the case of a dispute between a particular master and his workmen would be impracticable or unjust, inasmuch as it would make invidious distinctions in the same trade, 1319, *et seq.* 1367–1370. 1390, *et seq.*——Objection to the compulsory arbitration under the present Act, the same not being general, 1331, 1332——Inoperativeness of the Act, 1333, 1334.

Benefits derivable from the proposed courts in the interpretation of existing contracts, and in questions of overtime and piece-work, &c., 1337–1342. 1345, 1346. 1425, 1426. 1437–1447——Inexpediency of questions as to ventilation, &c., being decided by courts of arbitration, 1343, 1344. 1352–1355——The cases in which the courts might be useful are not so general as to render their establishment desirable, 1346. 1396——Objection to the interference of the courts as to whether employment in any trade is injurious to health, 1347–1351.

Communication between the Engineers' Association in London and other masters' associations throughout the country, 1357, 1358——The functions of the association have nearly ceased, 1359. 1407——Long duration of the strike (so called) among the engineers, 1360. 1449——Objects of the strike adverted to as being anything but fair trades' objects and as being matters upon which the master engineers could not possibly admit of arbitration, 1361. 1364–1366. 1478——Demand of the operatives for the abolition of overtime considered, 1361. 1377–1381. 1487–1489——Demand also for the abolition of piece-work, 1361. 1375–1377.

Resolution arrived at by the masters to close their establishments which led to the strike, 1361. 1364. 1458–1466——Extent and origin of the Amalgamated Society of Operative Engineers; it still exists, but is greatly mismanaged, 1362. 1406——Difficulty felt in the association and co-operation of the master engineers, 1363, 1364. 1405. 1408. 1415. 1453——Inadequacy of a court of arbitration as a means of settling the dispute among the engineers, 1367–1370——Utopian theories put forward by Mr. Newton and others, which induced the operatives to demand the abolition of overtime, &c., 1377. 1467–1472. 1487–1489.

Doubt as to the operative engineers having been anxious or willing to submit their demands to arbitration, 1382–1387. 1473–1477——Decision given eventually by Lord Cranworth against the demands of the men, 1384, 1385. 1416. 1449. 1479–1484——Intimidation practised on some occasions by the operatives during the dispute, 1387, 1388. 1488, 1489.

Difficulty in rendering the operation of the proposed courts equally satisfactory to the large manufacturers and to the small firms, 1390–1396——Undue interference of the courts with the investment of capital, 1397–1399——Greater readiness of the men than of the masters to submit to the courts, 1400, 1401. 1413——Reference to a court of arbitration which existed in the shipping trade at Sunderland; want of power of the masters over the men in such trade, 1402–1404. 1485, 1486.

Failure of the Amalgamated Society of Engineers to carry out their demands, though they held out as long as possible, 1405. 1413, 1414——Greater difficulty generally in the co-operation of masters than of their men, 1405–1408. 1413–1415——Advantage to operatives of competition among their masters, 1409–1412——Anticipated discontinuance, practically, of strikes for the future, 1816——Benefits derivable from public opinion as a means of terminating disputes and strikes; advantage on this score of the contemplated courts, or rather of some eminent public officer unconnected with either party, 1416–1424. 1446. 1448, 1449.

Further evidence as to the questions which might advantageously be settled by arbitration as proposed, 1423–1447——Impracticability of bringing future contracts before the arbitration courts to be dealt with compulsorily, 1427–1441——Objection generally to the principle of compulsory arbitration between employer and employed, 1430–1436——Inexpediency of the majority of the trade having power to bind the minority, 1452.

Spitalfields Silk Trade. See *Silk Trade,* II.

Standing Councils. Importance of an existing Board of Arbitration rather than of power to appoint one as disputes arise, *Humphries* 558, 552. 577–579. 610–612——A permanent board should be appointed for each branch of trade by the masters and workmen in such branch, *ib.* 575–581. 583, 584. 633, 634——Objection to standing tribunals, save for some of the largest trades, *Molesworth* 876. 897–901——Difficulty and expense in appointing a standing tribunal for each trade; return showing a number of nearly 200 trades, adverted to herein, *ib.* 891–895. 897–901; and *App. p.* 260, 261.

More confidence to be given by the workmen selecting the arbitrators in each case as it arises, though a standing board would be less troublesome, *Andrews* 1195–1197. 1206, 1207——There would be no objection to a standing umpire unconnected with masters or men, *ib.* 1192. 1208, 1209——Anticipated increase of disputes if standing tribunals be established, *Gladstone* 1513——The proposed tribunals should be permanent, *Newton* 1584;

Standing Councils—continued.

1584; *Howsham* 1686; *Ferdinand* 1843, 1844; *Lees* 2984-2986——If thought proper, the different trades could appoint their arbitrators before disputes arose, *Proudfoot* 2879.

The tribunal, as recommended by the Committee, should be appointed for a period, and not for any particular controversy, *Rep. p.* iv.

See also *Constitution of Councils.* *Prud'hommes, Conseils de.*

Stipendiary Magistrates. Satisfaction to be given to workmen by the appointment of stipendiary magistrates as presidents, who should give a casting vote in the event of the Board being equally divided on any case, *Winters* 400. 402; *Humphries* 795-803.

Stonemasons. Strike in 1841 among the stonemasons engaged on the New Houses of Parliament, adverted to as having arisen from a very trivial circumstance (not connected with wages) which might have been settled by a system of arbitration, *Winters* 292-295——This strike cost the Stonemasons' Society 3,457 *l.* 8 *s.* 5½ *d.*, *ib.* 292, 293.

STRIKES:

1. *Origin of Strikes.*
2. *Injurious Effects, directly and indirectly.*
3. *Question as to which Party soonest yields.*
4. *Number of Strikes of late Years.*
5. *Temperate manner in which conducted.*
6. *Prevention of Strikes if there were Boards of Arbitration.*

1. *Origin of Strikes:*

Denial that strikes often arise from discontent produced by a few agitators; the fact is that the strike precedes the agitation, *Winters* 228-231——Occurrence of strikes through the determination of masters that their men must not belong to any societies like the National Association of United Trades; instances of such determination, *ib.* 237-248——Varying arrangements and agreements now entered into between employer and employed upon which disputes may arise, *ib.* 460, 461——It is not the custom of one trade in striking to call upon other trades to follow its example, *ib.* 496-498.

Nature of the influence brought to bear against the employment of new hands in the event of a strike, *Humphries* 537-543——Belief that operatives in striking are not induced to do so by the representations of agitators, *ib.* 552——Sundry causes from which strikes arise, the chief cause being disagreement about wages, *Molesworth* 644-646——Reluctance with which strikes are entered into by workmen, they being moreover sometimes forced to do so against their will by trades unions or agitators, *ib.* 647, 648. 651. 653, 654. 788——Immoderate demands at times of the men, *ib.* 812——Frequency of strikes when times are bad and support almost impossible, *ib.* 827-830.

Slight matters which originate strikes, *Felkin* 1008——Other causes than that of the question of wages which give rise to strikes, *ib.* 1095——Origin of strikes; principle of supply and demand in the labour market adverted to hereon, *Forster* 1227-1230——Occurrence generally of strikes on account either of a reduction of wages being offered by employers, or of an advance of wages being demanded by the workmen, *Newton* 1515-1518. 1538-1571.

Origination of strikes in the reduction of wages by manufacturers when workmen consider there is no necessity for such reduction, *Ferdinand* 1793, 1794——Origin of disputes and strikes in the employers or employed striving to take advantage of the superabundance or deficiency of labour in the trade, *Dunning* 2172, 2173. 2185——Occurrence of strikes generally when trade is brisk, *Maitland* 2566. 2659. 2672——Strikes generally occur through an endeavour to get back, in the shape of wages, &c., what has previously been taken from the workmen, *ib.* 2673-2675.

2. *Injurious Effects, directly and indirectly:*

Great injury to masters as well as to workmen when strikes take place, *Winters* 70, 71. 231. 376; *Ferdinando* 2242. 2245-2255——A strike is sometimes a necessary evil, *Winters* 71——Injury occasioned by strikes, not only to the masters and men directly concerned, but to the trade of the locality in which the strikes occur, *Humphries* 529, 530——Illustration of the injury which a strike in one trade may cause to those engaged in another trade, *ib.* 531-533.

Prejudicial effect upon workmen even when their combinations are successful, *Molesworth* 665. 768-770. 775-825. 838-844——Circumstances under which strikes are necessary and beneficial, *ib.* 775-779——Tendency of strikes to prevent wages from getting lower, *ib.* 775, 776. 841——Masters often forego orders on account of strikes, *ib.* 829-842.

Great importance of preventing strikes, *Andrews* 1210, 1211——Greater injury to masters than to men when strikes take place, *ib.* 1211-1215——Invariable evil of strikes, *Forster* 1231——Limited extent to which the fear of strikes acts in upholding wages, *ib.* 1233, 1234.

Report, 1856—*continued.*

STRIKES—continued.

2. *Injurious Effects, directly and indirectly*—continued.

Disastrous effects of strikes upon the men, *Ferdinand* 1794——Great evil of strikes though sometimes unavoidable, *M'Donald* 1994. 2008——Injury to shopkeepers and ratepayers in the Potteries district when strikes occur, *Hollands* 2511–2514——Loss occasioned by strikes not only to the parties immediately concerned, but to the nation at large, *Proudfoot* 2835, 2836.

3. *Question as to which Party soonest yields:*

Even where one person employs 3,000 or 4,000 hands, the advantage in case of dispute is on the side of the employer, *Winters* 393, 394——In most cases strikes end in the defeat of the workmen, more especially when the combination in one trade is general, *Molesworth* 763-768. 780-784. 826-837——When strikes take place it depends upon the state of trade whether the masters or the men are most powerful, *Forster* 1239. 1255, 1256.

4. *Number of Strikes of late years:*

Many strikes occur without being generally known, *Molesworth* 752-755. 831——Strikes are less common than they used to be, *ib.* 785——Anticipated discontinuance practically of strikes for the future, *Smith* 1416——Strikes have increased of late years, *Proudfoot* 2910, 2911.

5. *Temperate manner in which conducted:*

More temperate and legitimate manner in which combinations of workmen have of late been conducted, *Molesworth* 786. 813–824; *Proudfoot* 2910, 2911.

6. *Prevention of Strikes if there were Boards of Arbitration:*

Evidence in favour of councils of conciliation or arbitration as the most effectual means for the prevention of strikes, *Winters* 185, *et seq.*; 445 *et seq.*; *Humphries* 522–525; *Felkin* 1007–1010. 1016. 1023–1027; *Andrews* 1179, 1180. 1182. 1210; *Newton* 1519; *Ferdinand* 1795; *Dunning* 2148, 2149. 2168 *et seq.*; *Ferdinando* 2242–2246. 2256.; *Maitland* 2559–263. 2601–2608. 2670–2676; *Avent* 2716–2718. 2738–2749——Tendency of the proposed tribunals to prevent combinations and to put a stop to strikes, *Molesworth* 656, 657. 700. 722. 723. 756. 861, 862——Belief that all past strikes might have been prevented had there been courts of arbitration in existence, *Newton* 1539——Advantage as regards the prevention of strikes if a permanent Board of Arbitration were established for each trade within certain districts, *Hollands* 2388–2392. 2440. 2486. 2507. 2514. 2533. 2537. 2542. 2545, 2546.

See also *Carpet Trade. Education. Engineers. Intercommunication. Joiners Glasgow). Limited Liability. Miners. Notice of Reduction of Wages. Press, The. Preston Strike. Silk Trade*, II, 2. *Tailors. Trades' Unions.*

T.

Tailors. The Tailors' Society of London have done an immense deal among themselves in the way of arbitration, *Winters* 327.

Witness is secretary to a tailors' trade union at the west end of London, comprising 2,136 members, *Essery* 961. 968–970——System of arbitration, and mode of action otherwise adopted by the society in the event of a dispute between any member of the society and his employer, *ib.* 962, 963——If the intervention of the society does not succeed, a strike is resorted to, after due inquiry into the circumstances of the case, *ib.* 962, 963——Less frequent occurrence of strikes among the tailors of late years: causes thereof, *ib.* 964–967.

Inability of the workmen to resist the reductions which have been made in the rate of wages, *Essery* 967, 972——Disputes generally arise about the wages, payment being almost entirely for piece-work; illustration of the origin of such disputes, *ib.* 971. 979, 980——Reduction of late years in the rate of wages; public meetings on the subject adverted to, *ib.* 972–978——Nature of the opposition of the Tailors' Association to the sewing machine; misapprehension among the public, to the injury of working tailors, in regard to the capabilities of this machine, *ib.* 992–1001.

Prevention of strikes among the tailors if there were local Boards of Arbitration, as proposed, *Essery* 2548, 2550. 2553–2555——Constant state of depression in the trade, *ib.* 2553. 2556——Rare occurrence of strikes of any magnitude, *ib.* 2556.

Ticket Act. Inoperativeness, to a great extent, of the Ticket Act, through the opposition of magistrates, *Winters* 407–410——Inoperativeness of the Act in Macclesfield, *Higginbotham* 1937–1940; *McDonald* 2039–2044——Beneficial operation of the Ticket Act, that is the Act 8 & 9 Vict., c. 128, relative to silk weavers, *Ferdinando* 2271–2279——Passing of the Act, with the intention of securing the warehouse price to the operative, and

Ticket Act—continued.

and as a check upon the middleman; failure of the Act hereon, *Sir H. Halford* 2764. 2765, 2786.

Tin Trade (Wolverhampton). Particulars relative to a dispute in the tin trade, at Wolverhampton, and to the mediation of the mayor and magistrates in the matter, *Winters* 25, *et seq.*——Opinion given by the mayor and magistrates as to the list of prices to be adopted by Mr. Perry, the master, in this case, *ib.* 26——Unwillingness of Mr. Perry to agree thereto, *ib.* 28——Case submitted by Mr. Perry to Mr. Willes, as to whether the decision of the magistrates was binding upon him, *ib.* 28. 34. 38–40——Opinion given by Mr. Willes that the decision or opinion of the magistrates was not binding, *ib.* 34——Prosecution subsequently instituted under the Act 6 Geo. 4, c. 129, by the master in the foregoing case against witness, and several others, for inducing the workmen to leave their employment; failure thereof, *ib.* 36. 43–53. 178, 179——Nature of the contracts or agreements between Mr. Perry and his men which led to the dispute, *ib.* 37. 54–57.

Trade Guilds. Disapproval of a recommendation by Lord Grey for the revival of the old trade guilds, *Felkin* 1080, 1081.

Trades' Unions. Different objects for which different associations of workmen are formed, the main object being the protection of wages and provision for sickness or death, *Winters* 138–140——Tendency of the existence of councils of arbitration to do away with the National Association of United Trades, *ib.* 232, 233——Large sums paid by some societies when the men are out of employment, there being generally a reserve fund for the purpose, *ib.* 323, 324. 327——Necessity of trades' unions as a protection to the men, *Winters* 462; *Humphries* 628; *Maitland* 2593.

Similar relations between employer and employed, whether the latter form unions or not, *Winters* 462–466——Effect of trades' unions in preventing violence in the event of strikes, *ib.* 485–492——Varying subscriptions paid weekly in different trades' societies, *ib.* 499–504——Facilitated operation of the proposed Boards of Arbitration through the assistance of trades organisations, *Humphries* 629——Doubt as to existing organisations being broken up by the appointment of the proposed Boards, *ib.* 623, 624. 629——Objects of trades' unions independently of the defence of wages, *ib.* 624–628.

Approval of the refusal of masters to employ men who belong to trades' unions, or have joined in strikes, *Molesworth* 651, 652. 689, 690. 702–704——Beneficial operation of societies for the cure of men in sickness, as distinguished from societies for interfering with wages, *ib.* 653. 690–692——Injurious effects of trades' unions and strikes, though to a certain extent they must be considered necessary evils, *ib.* 653. 671, *et seq.*——In some cases unions have been rendered necessary by the oppression of the masters, *ib.* 693–697. 701——Effective manner in which some clubs or unions are organised; instance of this, *ib.* 711——More power of trades' unions than of the union of the workmen merely of any one master, *ib.* 710–714. 831–837.

Trades' unions exist in the principal trades of the country, *Molesworth* 736, 737——Objection to rendering combinations of workmen illegal, *ib.* 797–800——Disapproval of trades' unions as leading to strikes, which are always disastrous, *Felkin* 1097——Non-political character of all trades' unions established of late years, *Newton* 1574–1576——Councils of conciliation would not effect all the objects aimed at by trades' unions, which unions would still to a great extent continue, *Maitland* 2594, 2595; *Proudfoot* 2885.

See also *Capital.*

Truck System. The system of truck is very injurious to the operative, and should be dealt with by the proposed councils, *Proudfoot* 2940–2947——Existence of the truck system chiefly in country districts where there are large employers, *ib.* 2941, 2942.

U

Umpire. See *Chairman, or President.*

Unfinished Work. Law at present against strikes, if work be left unfinished, *M'Donald* 2025, 2026.

V.

Voluntary Arbitration. Suggested legislation upon the principle of the Friendly Societies Act, leaving it optional with the working classes and their employers to appoint Arbitration Boards, *Winters* 183. 188, 189. 249; *Avent* 2720–2726; *Rep. p.* iv——Sundry instances adduced of satisfactory arbitration between masters and men, in questions about prices, &c., *Winters* 200–210. 296, *et seq.* 327–329. 341, 342——Satisfactory working to a certain extent, of voluntary Boards of Arbitration at Macclesfield and Kidderminster, *Humphries* 613, 614——Illustration, afforded by occurrences in the bobbin-net lace

Report, 1856—*continued.*

Voluntary Arbitration—continued.

lace trade of Nottingham in 1829, of the practicability of voluntary co-operation and kindly association between masters and operatives, *Felkin* 1125.

Opportunity and willingness of employers and employed to submit to private arbitration rather than to come under the present Act, *Newton* 1523, 1524. 1540. 1558-1565——Means at present for settling future contracts by private arbitration as well as by the Act 5 Geo. 4, c. 96, *ib.* 1523, 1524. 1540, 1541——The reference to arbitration, should be voluntary, and on many points the decision need not be legally binding, as, in fact, it would be virtually binding, *Hollands* 2406, 2407. 2490-2493——Expediency of a legislative enactment for the Potteries, notwithstanding the success of the present voluntary arrangement there, *Maitland* 2571.

See also *Bobbin-turners. Bookbinders. Carpet Trade. Compulsory Arbitration. Conciliation (and Arbitration) Councils. Jurisdiction of Councils. Kidderminster. National Association of United Trades for the Protection of Industry. Potteries. Printers. Silk Trade*, I. *Tailors.*

W.

WAGES:

1. *Generally.*
2. *As to interference on the part of the proposed Councils.*

1. *Generally:*

Larger earnings and better condition of men in large factories than in small ones, *Winters* 220, 221——Variation necessarily in the rate of wages in the same trade in different localities, *Winters* 251, 252; *Proudfoot* 2870, 2871——Contention owing to different wages in different districts, such as the Potteries, for the same work, *Humphries* 589-591—Instances of masters voluntarily raising the rate of wages, *Felkin* 1096.

Evil consequent on workmen sometimes offering to work at reduced wages for the sake of employment in dull times, *McDonald* 2075-2081. 2103, 2104——Improbability of the workmen demanding higher wages than the Board had decided upon, *ib.* 2094, 2095——Rare occasions of manufacturers voluntarily raising the rate of wages, *ib.* 2105-2110——Price of wages lately in the winding mills in Macclesfield; there had previously been a reduction, *ib.* 2111-2115.

Impossibility of keeping up the rate of wages when there is a permanent superabundance of labour, *Dunning* 2174, 2175. 2179——Probability of a decrease in wages preventing too many persons from entering any trade, *ib.* 2176-2179——Masters cannot be considered blameable for lowering wages when trade is slack, *ib.* 2190-2195——Improvement if masters generally were liable to a penalty of 5 *l.*, unless they gave notice of arbitration in the event of intended reduction of wages, *Ferdinando* 2279, 2280. 2307.

2. *As to interference on the part of the proposed Councils:*

There should be no compulsory legislative interference with wages on the part of the proposed Boards, but certain questions as to the fairness of attempted alteration might be dealt with, *Winters* 183. 214-217——Belief that questions of reduction might however be settled amicably by the proposed Boards, *ib.* 332, 333. 343, 344——Possibility of determining the rate of wages by mutual agreement between masters and men, *Humphries* 525-528——Even in the case of wages, the tribunal should be binding if master and men agreed to come before it for arbitration, *Molesworth* 908, 909.

Impracticability in dealing with the actual rate of wages as one of the ordinary functions of the tribunal, *Felkin* 1014, 1015. 1017-1027. 1036, 1037. 1090, 1091; *Hollands* 2487, 2488. 2543, 2544; *Avent* 2734, 2735——Benefits anticipated in regard to the rate of wages from a publicity of the views thereon of the members of the tribunal, and from the effect of public opinion as to any non-compulsory tariff of wages put forward by that body, *Felkin* 1022-1027. 1030, 1031. 1035-1038. 1045-1048. 1089; *Proudfoot* 2846, 2847. 2860-2863. 2866-2869. 2876, 2877——Good effect of a tariff of wages in France and Belgium, though its adoption is not compulsory, *Felkin* 1023, 1024.

Limited extent to which the question of wages could be interfered with by arbitration; check however upon undue reduction, *Andrews* 1178. 1180-1182. 1191. 1198-1204——Individual reductions of wages on the score of the inability of the workmen should not be interfered with, *Newton* 1538. 1546, 1547——Any attempted settlement by Act of Parliament, or compulsory arbitration of matters of wages, would be quite impossible unless both employers and employed specially agree to such settlement, *Wilson* 1766-1771——Belief that a Board equally constituted of masters and workmen might with advantage and general satisfaction determine the minimum price to be paid for certain work in the silk trade, and also in other trades, *Ferdinand* 1796-1800. 1803-1813. 1829. 1848-1873. 1889; *M'Donald* 1989-1995. 2027, *et seq.*——Different prices at present for the same work adverted to, *Ferdinand* 1796. 1873.

Questionable

Report, 1856—*continued.*

WAGES—continued.

2. *As to interference on the part of the proposed Councils*—continued.

Questionable policy if a Board of Arbitration were to arrange a tariff of prices for the silk trade or any other trade throughout the kingdom; probable injury through foreign competition, *Higginbotham* 1903-1911. 1925-1932——Question as to the effect of a general scale of prices upon small manufacturers, *McDonald* 2063-2070——Condition on which, as in Macclesfield, reductions beyond the scale might be allowed by the proposed Boards, *ib.* 2071——Whatever rate of wages the Board might lay down should be recoverable from the masters adhering to the regulations of the Board, *ib.* 2097-2102.

Though witness is in favour of the regulation of wages by Act of Parliament on account of the comparatively helpless condition of operatives, he does not consider it politic to recommend that the proposed Boards should have compulsory powers on such questions generally, *Ferdinand* 2244, 2245. 2252-2254——Particular questions concerning wages which the Boards should have power to adjudicate upon, *ib.* 2261, 2262.

The Committee consider that it would be impossible to give the tribunals any power whatever of regulating the rate of wages, *Rep. p.* iv——Advantages however might frequently arise, in cases of disputes about wages, from the existence of local Boards of Arbitration, *ib.*

See also *Compulsory Arbitration. Contracts* (*Wages*). *Notice of Reduction of Wages. Payment of Wages. Strikes.*

Walmsley, Sir Joshua. Opinion of Sir Joshua Walmsley as to the advantage of arbitration, *Winters* 506.

Weavers. Occurrence of strikes mostly in the weaving trades, *Winters* 226.

Wigan Colliers. Strike a few years since of the colliers at Wigan; some riots took place, but these were not brought about by a trades' union, for none such existed among the colliers, *Winters* 483. 485-488. 493-497.

Wilson, James Pillans. (Analysis of his Evidence.)—Has been one of the managing directors, since 1847, of Price's Candle Company, 1758. 1765——The company employs about 2,000 hands, 1759——Practice in regard to their process of manufacture; ingredients used, 1760-1764. 1782, 1783——Any attempted settlement by Act of Parliament, or compulsory arbitration of matters of wages, as causing strikes, would be quite impossible unless both employer and employed specially agree to such settlement, 1766-1771——Possibility of the action of some independent public authority being beneficial through its effect upon public opinion, 1772-1775——There have been no strikes among the men employed by Price's Candle Company; attention paid to their complaints as well as to their general condition adverted to hereon, 1776-1781. 1785-1791.

Winters, Thomas. (Analysis of his Evidence.)—Corresponding Secretary of the National Association of United Trades for the Protection of Industry, 1——The association comprises from 5,000 to 6,000 persons, 2——Various trades all over the country are represented in the association, 3, 4——It was established in March 1845; 5——Witness enumerates from the rules of the association the objects for which it was formed, and delivers in a copy of the rules, 6, 7.

Duty of the members of the association in the event of any dispute with their masters to communicate at once with the committee of the association, 8——Mode of communication with the masters adopted by the committee on the part of the workmen, 8. 21——In some instances the committee arbitrate in favour of the acceptance of the masters' terms, 8. 10, 11——Appointment annually of the members of the committee by the whole body of the members, 9——The central committee, sitting in the metropolis, comprises three members and a president, 12-14——Each local society of trades has also an independent local committee, 13. 90-92. 147.

Statement showing that, in 1848, ninety-eight cases of dispute were brought before the committee, of which forty-six cases were settled by their mediation, 15-19——Out of these ninety-eight cases fifty-two resulted in the men leaving their employment, and being supported or employed by the association, 16——Slight employment now given by the association 20——The mediation of disinterested parties has in some cases been resorted to, 22——Large proportion of cases settled by the mediation of the association in 1854 and 1855; 22-24.

Particulars relative to a dispute in the tin trade at Wolverhampton, and to the mediation of the mayor and magistrates in the matter, 25, *et seq.*——Prosecution subsequently instituted under the Act 6 Geo. 4, c. 129, by the master, on the foregoing case, against witness and several others for inducing the workman to leave his empolyment; failure thereof, 36. 43-53. 178, 179——Nature of the contracts or agreements between Mr. Perry and his men, which led to the dispute, 37. 54-57.

Disputes about two years ago and recently in the bobbin-turners' trade at Holme, in Yorkshire; satisfactory settlement of the same through the mediation of the National

Report, 1856—*continued.*

Winters, Thomas. (Analysis of his Evidence)—*continued.*

Association, 59-69——Successful intervention of the association in regard to a dispute about wages in the salt trade of Cheshire in 1853; 69, 70. 79-82——Injury both to the workmen and the masters when strikes take place, 70, 71. 231. 376——Respect of the workmen for the arbitration of the association of which they are members, 73-75. 107-109. 113, 114——Repugnance of workmen to place themselves under the Arbitration Act, or in any way to come before magistrates for a settlement of their grievances, 76. 83-87. 115-123. 167-174. 253, 254.

Instance of successful mediation by the National Association where the operatives concerned were not members of it, 78——Each member of the association fixes his own subscription to it, and receives a corresponding payment (upon the principle of life insurance), in the event of a strike, 93-97. 325, 326——Species of deduction from wages which it is one of the objects of the association to prevent, 99. 256, *et seq.*——Successful interference of the association in preventing deductions from wages as enforced for some time by a manufacturer at Bilston, 100.

Proposition by some parties in the Staffordshire iron trade that wages should rise and fall in accordance with the price of iron; this scheme has not been taken up by the National Association, 101-105. 148-151——In cases of arbitration it is not contemplated that the masters should produce their books and accounts, 106. 332, 333——Objection chiefly of the employers to a system of arbitration, 107——The members of the National Association must submit to its decisions, or else lose the benefits of membership, 108. 145, 146——Belief that the majority of workmen are in favour of Boards of Arbitration composed of masters and operatives, 110-116. 136, 137. 152, 153.

Evidence in favour of a Board comprising delegates chosen by masters and workmen, and presided over by some impartial person to be appointed by Government, 112. 152-155. 175-177. 180, *et seq.* 378——State of the law at the present time with reference to arbitration; sundry Acts upon the subject, 115-123. 167-171——Pressure indirectly upon some workmen to become members of the National Association, 124-127——Each member is registered under the trade to which he belongs, 128, 129——Through the assistance of the association members sometimes change from one trade to another, and sometimes remove from one locality to another for the sake of better earnings, 130-135.

Different objects for which different associations of workmen are formed, the main objects being the protection of wages and provision for sickness or death, 138-140——Reference of cases of dispute to the local committee in the first instance, and subsequently, if necessary, to the general or central committee, 141-147——Difference of opinion among workmen as to the detailed constitution of the proposed Boards of Conciliation, 154, 155. 183——Satisfactory working, for a time, of a Board of shipwrights at Sunderland, for arbitrating upon disputes; how constituted, 156-164.

A plan, at one time, put forward by the National Association for transferring the compulsory powers under the statute to local Boards of Trade is not now advocated, 165, 166——Great benefits anticipated from a summary decision by a Board of Arbitration, comprised of masters and workmen, more especially in the case of disputes in all trades that work by the piece, 180-183. 227——There should be no legislative interference with wages, 183——Suggested Act upon the principle of the Friendly Societies Act, leaving it optional with the working classes and their employers to appoint Arbitration Boards, 183. 188, 189. 249.

Witness reads a paper embodying his views, and those of the National Association, upon the constitution and operation of Boards of Arbitration, 184-195——Twofold jurisdiction contemplated, namely, in regard to past or present contracts, and in regard to future contracts, 184. 249, 250——The contemplated Boards would mainly prevent the occurrence of strikes, 185, *et seq.*——Want of sympathy, more especially of late years, between masters and men adverted to, as a great evil, and as one likely to be removed through the medium of the proposed Boards, 185. 218-225. 344, *et seq.*——Injurious result consequent on the overseer, rather than the master, being the party to interfere in the event of disputes, 185. 198, 199.

Reference to the Preston strike, which involved a great loss to the men, and was very injurious to the masters, as one which might have been prevented if the masters had been subject to a system of arbitration, 185. 190-192. 196, 197——The judge or president of the proposed Court or Board, should be paid by the public, 186——The other members of the court should only be paid by the parties whom they represent, 187——The court should have power summarily to decide all cases brought before it, relative to past contracts, 193. 249, 250, 255——If the parties could not agree privately, either party might bring the case before the court, 194. 249, 250.

Instances of lists of prices, or wages, having been regulated through means of voluntary Boards of Arbitration, 200-210——Salutary operation for three years (1849-51) of a Board of masters and workmen at Macclesfield, 206-213——Alterations of wages should not generally be dealt with by the proposed Board, 214. 216, 217——Any unfair alteration of wages, or any attempted alteration of contracts, would mainly come before the Board, 214,

Winters, Thomas. (Analysis of his Evidence)—*continued.*

214, 215——Better condition of men in large factories than in small ones, 220, 221 —— Very low earnings of frame work knitters adverted to, 221.

Occurrence of strikes mostly in the weaving trades, 226——Effect of improved machinery in leading to strikes, 227——Denial that strikes often arise from discontent produced by a few agitators; the fact is, that the strike precedes the agitation, 228–231 ——Tendency of the existence of councils of arbitration to do away with the National Association of United Trades, 232, 233——Belief that workmen generally are not opposed to the introduction of machinery, 234–236.

Strikes often arise from the regulations concerning the hours of labour, 237——Occurrence of strikes through the determination of masters that their men must not belong to societies like the National Association; instances of such determination, 237–248 —— Particulars as to a strike among the working engineers in 1851, and as to rules agreed to by an association of master engineers in January 1852, with reference to the non-employment of men belonging to trades unions, &c., 240-248——Probable settlement of the foregoing dispute if the matter had been referred to arbitration, 248.

The regulation of future contracts by the proposed arbitration court should be optional in the parties concerned, 249, 250——Variation necessarily in the rate of wages in the same trade in different localities, 251, 252——Inoperativeness of the Arbitration Act in regard to the framework-knitters, 253, 254. 279–284——Applicability of the proposed system of arbitration in the case of deductions from framework-knitters' wages, which deductions, though not illegal, are frequently oppressive in the extreme, 255–279. 285–290——Inoperative character generally of the Act 5 Geo. 4, c. 96; 279–284. 377—— Advantage to framework knitters as factories are established and the domestic manufacture diminishes, 290–292.

Strike in 1841 among the stonemasons engaged on the New Houses of Parliament adverted to as having arisen from a very trivial circumstance not connected with wages, which might have been settled by a system of arbitration, 292–295——Beneficial operation in 1853 of a Board of masters and workmen at Kidderminster appointed to settle sundry differences in the carpet trade; cause of the discontinuance of this Board after a short time, and of a strike subsequently, 296–313——Rules recently agreed to by the master and operative printers and compositors of London for the settlement of disputes, 314. 321——The principle of the foregoing rules had been in beneficial operation for some years, 315–320——Besides the duty of arbitration, the compositors' association undertake payments to men out of employment, 320. 322, 323.

Large sums paid by some societies when the men are out of employment, there being generally a reserve fund for the purpose, 323, 324. 327——Further instances adduced of satisfactory arbitration between masters and men, 327–329. 341, 342——The chief thing required is that when masters and men elect to take advantage of the law, it shall be binding upon them, 329, 330. 333——Advantage to masters as well as to workmen if Arbitration or Conciliation Boards were established, 331–333——Belief that questions of reduction of wages might be settled amicably by the proposed Boards, 332, 333. 343, 344——Witness cannot speak to the operation of workmen's associations in France, 334–340.

If masters and men were properly brought together, and if the former would treat the latter with kindness and consideration, it would do an immensity of good, and would produce greater care of property than the passing of a hundred rules, 344–372——Discontent and ill feeling produced by the rules in some factories in regard to breakages of glass, or other injuries to property, the innocent being made to suffer for the guilty, 353–368. 373, 374——All rules and regulations in factories should be confirmed by the council of conciliation, 369, 370.

[Second Examination.]—Probability of witness's plan being objected to in some respects by other members of the National Association, 379, 380——In all cases arising out of lengths, widths, qualities, &c., the local boards of conciliation should have similar powers as are now vested in justices of the peace, 381 *et seq.*——Further evidence with respect to legislation for future cases, to the effect that it should not be compulsory either as regards wages or anything else without the consent of both parties, 381–383. 455–459.

Grounds for the unwillingness of workmen to come under the Act 5 Geo. 4, c. 96, or in any way to bring alleged grievances before magistrates, further adverted to, 384–410 ——Advantages of employer over employed under the present system of arbitration, 390–394——Importance of the courts of arbitration being uninterested either in employers or employed, 395–397. 405–411——Objections to disputes between master and men coming under the jurisdiction of magistrates who are themselves employers, 399–410 ——Inoperativeness, to a great extent, of the Ticket Act through the opposition of magistrates, 407–410.

Doubt as to employment having been more certain or strikes less frequent previously to the Municipal Corporations Act, 412–419——Obstacle to strikes if the working classes

Report, 1856—*continued.*

Winters, Thomas. (Analysis of his Evidence)—*continued.*

were soundly educated and better conversant with the law, 420——Difficulty in the way of workmen changing their trade or place of abode, 421. 425, 426——Approval of the rules of the Printers' Arbitration Committee, which were but lately drawn up, 422-424.

Insufficient good feeling generally between employers and employed as a means of obviating the necessity of strikes; proof of this, 427-448——Instances of associations of masters adverted to as showing the power of combination on their part, 430-444——Further statement as to the probable effect of councils of conciliation and arbitration in mitigating the evil of strikes, 445-448. 452-454——Communication at present between the operative and the middleman rather than between the operative and the master, 449-452.——Means of the proposed Boards for enforcing obedience to terms entered into on arbitration, 445-449.

Varying arrangements and agreements now entered into between employer and employed upon which disputes may arise, 460, 461——Necessity of trades' unions as a protection to the men, 462——Similar relations between employers and employed whether the latter form unions or not, 492-496——In the case of the Preston strike there was no existing union or society of operatives, but collections were sent to them from various quarters, 463. 472-476——Less objectionable system of deduction from wages in Nottinghamshire than in Leicestershire, 464-466——Partial settlement of a strike in Nottinghamshire through arbitration on the suggestion of witness, 466-471.

Total loss of 520,000*l.* to operatives through the Preston strike, 478-484——Effect of trades unions in preventing violence in the event of strikes, 485-492——Absence of an union in the case of the strike of the Wigan colliers, for whom much sympathy was excited in other trades, 485-488. 493-497——It is not the custom of one trade in striking to call upon other trades to follow its example, 496-498——Varying subscriptions paid weekly in different trades societies, 499-504.

Advantages if, through Boards of Arbitration, workmen could invest their small capital in their masters' business on the limited liability principle, 505, 506——Opinion of Sir Joshua Walmsley as to the advantage of arbitration, 506——Anticipated facility through means of the proposed Boards for registering designs of patterns, and for obviating the expensive law proceedings now necessary for infringement of inventions, 507-510——Reference to the views of the carpet weavers of the north of England in favour of the arbitration principle, 510, 511——Since his former examination, witness has had sundry communications from different places in approval of his proposition for arbitration, 510.

Wire Workers and Plant Makers (Birmingham). Successful mediation of witness's association in the case of a dispute among the wire-workers and plant makers of Birmingham, *Winters* 78.

Workmanship. Advantage of referring disputes about workmanship, &c., to the proposed boards, *McDonald* 2105; *Proudfoot* 2868.

Worship-Street Police Court. Delay in the conduct of arbitration proceedings before the Worship-street court, *Ferdinando* 2260, 2261——There were only five cases at Worship-street last year under the Act 5 Geo. 4, c. 96; *Hammill* 2336-2338——Necessary delays at times before summonses are granted when applied for by workmen, *ib.* 2344——There were only six cases decided in 1855 under the Framework-knitters' Act, *ib.* 2360, 2361.——*See* also *Act* 6 *&* 7 *Vict. c.* 40. *Magistrates.*

Worsted Trade. Variety of practice as to wages in the worsted trade which tends to prevent strikes, *Forster* 1225, 1226.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

MEDICAL DEPARTMENT (ARMY);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1856.

331.

Martis, 15° *die Aprilis*, 1856.

Ordered, THAT a Select Committee be appointed on the Medical Department of the Army.

Lunæ, 21° *die Aprilis*, 1856.

Committee nominated of—

Mr. Stafford.	Captain Laffan.
Mr. Bellew.	Mr. Legh.
Colonel Boldero.	Mr. Noel.
Sir James Fergusson.	Colonel North.
Sir Henry Davie.	Mr. Peel.
Sir John Hanmer.	Mr, Percy.
Colonel Kingscote.	Sir John Trollope.
Mr. Leveson Gower.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 3° *die Julii*, 1856.

Ordered, THAT the Committee have power to Report their Opinion, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. v
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - p. 283
INDEX - - - - - - - - - - - - - - p. 326

REPORT.

THE SELECT COMMITTEE appointed on the MEDICAL DEPARTMENT of the ARMY, who were empowered to send for Persons, Papers, and Records,——HAVE considered the Matters to them referred, and have come to the following RESOLUTIONS; which, together with the MINUTES of EVIDENCE, they have agreed to Report to The House:—

1. THAT the governing power of the Army Medical Department should be vested, as at present, in one individual, and not in a Board.

2. That the Commander-in-Chief should exercise a control over the appointments and promotions of the Director-general.

3. That the principle of general competition, or of special examination, in recognised Medical Schools, be applied, as far as practicable, to admission into the Army Medical Department.

4. That no Medical Officer shall be promoted to be Staff Surgeon of the First Class until he shall have served not less than Three years as a Regimental Medical Officer.

5. That the rules which guide promotion be published.

6. That retirement be optional after 21, and compulsory from Regimental and Second Class Staff Surgeon duty after 35 years' service.

7. That facilities be given for the purposes of study in Civil Hospitals, such precautions being taken as will guarantee the period of absence being passed in such study.

8. That the regulation which requires Officers of the department to serve two years in the rank to which they have been promoted, upon the pay of their previous rank, be abolished.

9. That the pay of the Army Surgeons and Assistant Surgeons be increased, as may be determined by the Executive Government; but this Committee is in favour of 10*s.* per diem as the pay of the Assistant Surgeon on first appointment.

10. That the relative position of medical and combatant officers be not changed, and that the Army Surgeons be not made a more military body than at present.

11. That the system of Confidential Reports should be placed upon the same footing with those relating to combatant officers.

12. That the Committee agree with the recommendation of the Director-general as to leave of absence, honorary distinctions, funeral honours, special services, and relative rank.

13. That as it has been stated to this Committee that the supply of Medical Officers was insufficient during the late war, the establishment of Civil Hospitals may have been necessary; but Your Committee trust the recurrence to such alternatives may be avoided for the future.

14. That a person duly qualified to compound medicines, and attested for military service, should form a part of the medical establishment of every regiment; and that those persons should be selected either from the Medical Staff Corps, from the ranks of the regular Army, or from the orphan sons of soldiers educated at the Military Asylum; that they should be regularly trained and educated with a view to the duties to be discharged; and that no one shall be considered eligible for employment until he has given proof, on examination by a Board, that he may, with safety to the sick soldier, be entrusted to compound the medicines to be administered to him.

15. That the Medical Staff Corps, which was raised for service during the late war, should continue a part of the Peace Establishment; and that it is desirable it should be recruited from the ranks of the Army, provided volunteers offer in sufficient numbers, possessing the requirements deemed essential to qualify for the particular service on which the corps is to be employed.

16. That the standard of providing clothing and earthenware vessels for eating and drinking at Haslar Hospital be extended to the general hospitals of the army; that accommodation for sick officers be provided in them; and that a Military Lunatic Asylum be provided, as embraced in the design for the New Military Hospital at Southampton.

17. That the question of hospital stoppages be left to the discretion of the Horse Guards and the War Office.

18. That at the outbreak of any future war, separate transport should be provided for the conveyance of all medical stores; but Your Committee leave the minor arrangements of detail to the Executive.

19. The Committee in the course of its inquiries have had incidentally brought before them the admirable manner in which the Army and Civil Surgeons have performed their duties in the East, and Your Committee are glad to take this opportunity of recording the high opinion they entertain of their merits.

3 *July* 1856.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 28° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Stafford.	Colonel Kingscote.
Colonel North.	Mr. Leveson Gower.
Sir Ferguson Davie.	Mr. Bellew.
Mr. Noel.	Sir J. Hanmer.
Mr. Legh.	

Mr. STAFFORD was called to the Chair.

The Committee deliberated.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 1° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Sir Ferguson Davie.	Mr. Leveson Gower.
Sir John Trollope.	Colonel Kingscote.
Mr. Cornwall Legh.	Colonel Boldero.
Colonel North.	Sir John Hanmer.
Mr. Noel.	Mr. Bellew.

The Committee examined Dr. *Andrew Smith*.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 5° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD in the Chair.

Mr. Legh.	Colonel Boldero.
Sir John Trollope.	Mr. Leveson Gower.
Sir Ferguson Davie.	Mr. Noel.
Colonel North.	Mr. Bellew.
Sir John Hanmer.	Colonel Kingscote.

The Committee examined Dr. *Andrew Smith*.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 8° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Mr. Legh.	Mr. Noel.
Sir John Trollope.	Mr. Percy.
Sir Ferguson Davie.	Colonel Kingscote.
Colonel North.	Sir John Hanmer.
Mr. Peel.	Mr. Bellew.
Colonel Boldero.	

The Committee examined Dr. *Burrell* and Dr. *Menzies*.

[Adjourned to Monday, 19th, at Twelve o'clock.

Jovis, 22° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Colonel North.	Colonel Kingscote.
Mr. Peel.	Mr. Bellew.
Sir John Trollope.	Mr. Leveson Gower.
Sir John Hanmer.	Sir J. Fergusson.
Sir Ferguson Davie.	Mr. Percy.
Mr. Noel.	

The Committee examined Dr. *Mapleton* and Mr. *Richardson*.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 26° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Colonel Kingscote.	Sir John Hanmer.
Mr. Percy.	Sir J. Fergusson.
Mr. Peel.	Mr. Noel.
Colonel North.	Sir Ferguson Davie.
Sir John Trollope.	Mr. Leveson Gower.

The Committee examined Mr. *Martin*, Mr. *Grant*, Serjeant *Sheldrake*, Serjeant *Simpson*, Colonel *Douglas*, and Major-general Sir *George Buller*.

[Adjourned to Friday next, at One o'clock.

Veneris, 30° *die Maii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Mr. Percy.	Sir Ferguson Davie.
Mr. Bellew.	Mr. Legh.
Mr. Peel.	Sir John Trollope.
Colonel North.	Sir J. Fergusson.
Sir John Hanmer.	

The Committee examined Colonel *Lord West* and Mr. *Dartnell*.

[Adjourned to Monday, at One o'clock.

Lunæ, 2° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Sir John Trollope.	Mr. Percy.
Colonel North.	Sir John Hanmer.
Mr. Noel.	Sir Ferguson Davie.
Mr. Peel.	Mr. Bellew.
Colonel Kingscote.	Mr. Leveson Gower.

The Committee examined Mr. *Lindsay*, Major-general Lord *De Ros*, Dr. *Hume*, and Captain *Bunbury*.

[Adjourned to Thursday, at One o'clock.

Jovis, 5° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Mr. Legh.	Colonel Kingscote.
Sir F. Davie.	Mr. Bellew.
Sir John Hanmer.	Sir James Ferguson.
Sir John Trollope.	Mr. Leveson Gower.
Colonel North.	

The Committee examined Dr. *Bostock*, Dr. *Mackenzie*, and Sir *George Wetherall*.

[Adjourned to Friday, 13th June, at Twelve o'clock.

Veneris, 13° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Sir F. Davie.	Mr. Peel.
Sir J. Trollope.	Mr. Noel.
Colonel North.	Sir J. Fergusson.
Mr. Bellew.	Colonel Kingscote.

The Committee examined Dr. *Rees*, Sir *B. Hawes*, Mr. *Agnis*, and Dr. *Halahan*.

[Adjourned to Monday, 16th June, at Twelve o'clock.

Lunæ, 16° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Colonel North.	Colonel Kingscote.
Mr. Noel.	Mr. Bellew.
Sir John Trollope.	Sir J. Fergusson.
Sir Ferguson Davie.	Mr. Percy.
Sir John Hanmer.	

The Committee examined His Royal Highness the Duke of *Cambridge*, Corporal-Major *Tomlinson*, Serjeant *Inkster*, and Mr. *Maundery*.

On the evidence being concluded for the day, the Committee deliberated.

Motion made and question proposed (Sir *J. Trollope*), "That no witness be recalled before this Committee":—Question put:—Committee divided:

Ayes, 6.	Noes, 3.
Sir J. Hanmer.	Sir Ferguson Davie.
Sir J. Trollope.	Mr. Noel.
Colonel North.	Mr. Percy.
Colonel Kingscote.	
Mr. Bellew.	
Sir J. Fergusson.	

[Adjourned to Friday, at One o'clock.

Veneris, 20° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Sir John Hanmer.	Mr. Bellew.
Sir F. Davie.	Mr. Percy.
Sir J. Trollope.	Mr. Peel.
Colonel North.	Colonel Boldero.
Mr. Noel.	Sir James Fergusson.
Colonel Kingscote.	

The Committee examined the Earl of *Cardigan*.

Dr. *Smith* having intimated, through a Member of the Committee, that he was desirous of being recalled with a view to further examination,

The Resolution of the previous day relative to the course of proceeding was read.

Motion made and question proposed (Mr. *Percy*), "That that Resolution be rescinded; but that the examination of Dr. Smith be limited strictly to matters of fact":—Question put, and agreed to.

Dr. *Smith* was called in, and informed accordingly.

Sir *John Liddell* was examined.

[Adjourned to Monday, at One o'clock.

Lunæ, 23° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Sir F. Davie.	Mr. Percy.
Sir John Trollope.	Colonel Kingscote.
Colonel North.	Mr. Peel.
Colonel Boldero.	Sir J. Fergusson.
Mr. Bellew.	Mr. Noel.

The Committee examined Major-general Sir *R. Airey*, Dr. *Andrew Smith*, and Mr. *Jackson*.

[Adjourned to Friday, 27th June, at One o'clock.

Veneris, 27° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Mr. Percy.	Mr. Peel.
Mr. Bellew.	Sir John Trollope.
Colonel Kingscote.	Sir F. Davie.
Mr. Noel.	Mr. Leveson Gower.
Colonel Boldero.	Sir John Hanmer.
Colonel North.	

Resolutions proposed by Colonel *Boldero* were brought up, and read 1°, as follows:—

"1. With a view of insuring the active and most efficient treatment of the sick in the army, at all times (and particularly during active service), it is not only essential that the medical officers should be men of ability and of high professional qualifications, but that they should possess physical energy adequate to their more arduous duties. That the present regulations of the service do not tend to effect this.

"2. That a medical officer entering the service at a later period of life than his regimental brother officers, and having already spent much time and expense in the acquirement of his profession, is not placed in an analogous position with the latter, who at the same time, as a class, are possessed generally of far greater private resources. That the rate of promotion, during active service, tends to make the distinction between the two classes more obvious.

"3. That the long subordinate position of medical officers, and their consequent rate of pay, with their inferior means, compared with their brother officers, and the regimental distinctions of dress, do not tend to promote a feeling of confidence or responsibility, nor the respect from the soldier which is due to their professional qualifications.

"4. That many years' foreign service, which most medical officers undergo, must necessarily tend to lower the standard of their professional acquirements; hence it is necessary that such leave should be granted to them as will be sufficient to afford them an opportunity of acquiring an accurate knowledge of the more modern resources, discoveries, and inventions of their profession,—such precautions being taken as would guarantee that such time has been spent in gaining such information.

"5. That the numerous and multifarious extra-professional duties of the army surgeon, as regards hospital expenditure and stores, tend to consume too much of his time and attention, to the exclusion of the strict execution and prosecution of the study of his profession.

"6. Impressed by these considerations, it is proposed: That the retirement should be made compulsory after a certain period of service (30 years), and that the retiring allowance, at an earlier permissive period of service, should be such as will induce those who have spent the most effective part of their professional lives, not remaining in it, as too often happens, as a matter of necessity, and at the same time afford the chance of promotion to their junior brethren to the more responsible posts, for which their years and more recent professional education better qualify them.

"7. That the rate of pay which the subordinate medical officers at present receive should be increased, and their status improved, which would induce professional men of attainments to enter the service, and forego the prospect of the emoluments of civil practice; and, to ensure that these only may enter the service, the present army medical examination should be made far more stringent, or commissions alone offered to those students of the medical universities who had more particularly distinguished themselves during their curriculum of study.

"8. On entering the army the pay should be according to the subjoined scale, in a degree proportionate to the length of service:

Years' service	0	10	15	20	25
	s.	*s.*	*s.*	*s.*	*s.*
Pay	10/	15/	20/	22/	25/

Half-pay:

Years	21	25	30 years (compulsory retirement).
	s.	*s. d.*	*s.*
Pay	15/	17/6	20/

Question, "That these Resolutions be read 2°," put, and negatived.

Resolutions proposed by the *Chairman* were brought up, and read 1°, as follows:—

"1. That the governing power of the Army Medical Department should be vested, as at present, in one individual, and not in a Board.

"2. That the Commander-in-Chief should exercise a more than merely nominal control over the appointments and promotions of the Director-general.

"3. That examinations for first entry into the Army Medical Department be competitive.

"4. That the rank of Staff Surgeon of the first class be abolished.

"5. That three years' experience as a regimental surgeon should be requisite before promotion.

"6. That the rules which guide promotion be published.

"7. That retirement be optional after 21, and compulsory after years' service.

"8. That facilities be given for the purposes of study in Civil Hospitals.

"9. That the rank, quarters, and allowances of Captain should be conceded to Assistant Surgeons above 10 years' service.

"10. That Army Surgeons should enjoy the full pay of each rank immediately upon obtaining it.

"11. That the pay of the Army Surgeons and Assistant Surgeons be increased, but that the amount of such increase be determined by the Executive Government, rather than by this Committee.

"12. That the relative positions of medical and combatant officers be not changed, and that the Army Surgeons be not made a more military body than at present.

"13. That the relative positions of the Purveyors and Medical Officers should receive the careful attention of the War Office.

"14. That the system of Confidential Reports should be placed upon the same footing with those relating to combatant officers.

"15. That the Committee agree with the recommendation of the Director-general as to leave of absence, honorary distinctions, funeral honours, retirements, and special services.

"16. That medical officers be placed upon the same footing with combatant officers as to the period of joining their regiments on appointment.

"17. That the institution of civil hospitals during the late war was absolutely necessary; that in those hospitals, as in military hospitals, the behaviour of the soldiers was exemplary; and their discipline uninterrupted, and that in the organisation of these hospitals no injustice was inflicted upon the army surgeons.

"18. That the system of dispensing now in existence in every hospital of the Household Troops be extended to the rest of the army, and that the pay of the hospital serjeant and military dispenser be increased so as to make these responsible positions boons to non-commissioned officers.

"19. That a body called the Hospital Staff Corps be organised, on the plan suggested by His Royal Highness the Duke of Cambridge and General Sir Richard Airey, and that its pay should be so much higher than that of the combatant soldier as to make his appointment to it an encouragement for good conduct.

"20. That the standard of comforts at Haslar Hospital be extended to the general hospitals of the army; that accommodation for sick officers be provided in them, and that a Military Lunatic Asylum be provided, similar to that at present in existence at Haslar for the Navy.

"21. That the question of hospital stoppages must be left to the discretion of the Horse Guards and the War Office.

"22. That ships for the conveyance of medicines and medical comforts should at the outbreak of any future war be placed at the entire disposal of the head of the Army Medical Department, so as to avoid the want of medicines and medical comforts testified to by every witness from the East.

"23. That the deplorable result of the experiment of the Ambulance Corps constitutes a sufficient reason why that experiment should never on any account be repeated."

Resolution No. 1 read 2°.—Amendment proposed (Sir *J. Trollope*), "To leave out all the words after the word 'vested,' to the end of the Resolution, in order to add these words: 'In a Board composed of not less than three, or more than five medical officers of not less than 15 years' standing in the service'":—Question put, "That the words proposed to be left out stand part:"—Committee divided:

Ayes, 10.	No, 1.
Mr. Percy.	Sir J. Trollope.
Mr. Bellew.	
Colonel Kingscote.	
Mr. Noel.	
Colonel Boldero.	
Colonel North.	
Mr. Peel.	
Sir F. Davie.	
Mr. Leveson Gower.	
Sir John Hanmer.	

Another

Another Amendment proposed (Mr. *Bellew*), "To add at the end of the Resolution these words, 'Under certain restrictions relative to appointments and promotions hereinafter mentioned.'"

Question, "That these words be there added," put:—Committee divided:

Ayes, 2.	Noes, 9.
Mr. Bellew.	Mr. Percy.
Colonel Kingscote.	Mr. Noel.
	Colonel Boldero.
	Colonel North.
	Mr. Peel.
	Sir J. Trollope.
	Sir F. Davie.
	Mr. Leveson Gower.
	Sir John Hanmer.

Another Amendment proposed (Mr. *Peel*), "To add at the end of the Resolution these words, 'subject to existing control with regard to appointments and promotions'":—Question put:—Committee divided:

Ayes, 5.	Noes, 6.
Mr. Peel.	Mr. Percy.
Sir J. Trollope.	Mr. Bellew.
Sir F. Davie.	Colonel Kingscote.
Mr. L. Gower.	Mr. Noel.
Sir J. Hanmer.	Colonel Boldero.
	Colonel North.

Resolution agreed to.

Resolution No. 2, read 2°. Amendment proposed (Colonel *Kingscote*), "To leave out the words, 'a more than merely nominal,' in order to insert these words, 'the sole.'"

Question, "That the words proposed to be left out stand part," put, and negatived.

Question, "That the words, 'the sole' be there inserted":—Committee divided:

Ayes, 4.	Noes, 7.
Colonel North.	Mr. Percy.
Mr. Peel.	Mr. Bellew.
Sir J. Trollope.	Colonel Kingscote.
Sir F. Davie.	Mr. Noel.
	Colonel Boldero.
	Mr. L. Gower.
	Sir J. Hanmer.

Another Amendment proposed (Sir *John Hanmer*), "After the word 'exercise' to insert these words, 'conjointly with the War Department.'"

Ayes, 4.	Noes, 7.
Mr. Peel.	Mr. Percy.
Sir J. Trollope.	Mr. Bellew.
Mr. L. Gower.	Colonel Kingscote.
Sir J. Hanmer.	Mr. Noel.
	Colonel Boldero.
	Colonel North.
	Sir F. Davie.

Resolution, as amended, read, and agreed to.

Resolution 3 postponed.

Resolution 4.

Question put, "That this Resolution be now read 2°:"—Committee divided:

Ayes, 4.	Noes, 7.
Mr. Percy.	Colonel Boldero.
Mr. Bellew.	Colonel North.
Colonel Kingscote.	Mr. Peel.
Mr. Noel.	Sir J. Trollope.
	Sir F. Davie.
	Mr. Leveson Gower.
	Sir J. Hanmer.

[Adjourned to Tuesday, at One o'clock.

Martis, 1° die Julii, 1856.

MEMBERS PRESENT:

Mr. STAFFORD, in the Chair.

Mr. Bellew.	Mr. Peel.
Colonel Kingscote.	Sir John Hanmer.
Colonel Boldero.	Sir Ferguson Davie.
Colonel North.	

The Committee resumed the consideration of the Resolutions proposed by the *Chairman.*

Resolution No. 3, read and negatived, and the following Resolution brought up instead thereof:—"That the principle of general competition or of special examination in recognised medical schools be applied, as far as practicable, to admissions into the Army Medical Department," (Mr. *Peel.*) Read 1°, 2°, and agreed to.

Resolution 5, negatived, and the following Resolution in lieu thereof was brought up (Mr. *Peel*), and read 1° and 2°, as follows:—"That no medical officer shall be promoted to be staff surgeon of the first class until he shall have served a reasonable time as a regimental medical officer."

Amendment proposed (Colonel *Kingscote*), "To leave out the words 'a reasonable time,' in order to insert the words 'not less than three years'":—Question put, "That the words proposed to be left out stand part." Committee divided:

Ayes, 2.	Noes, 5
Mr. Peel.	Mr. Bellew.
Sir J Hanmer.	Colonel Kingscote.
	Colonel Boldero.
	Colonel North.
	Sir F. Davie.

Words inserted. Resolution, as amended, agreed to.

Resolution 6. Question put:—"That this Resolution be now read 2°. Committee divided:

Ayes, 4.	Noes, 3.
Mr. Bellew.	Mr. Peel.
Colonel Kingscote.	Sir F. Davie.
Colonel Boldero.	Sir J. Hanmer.
Colonel North.	

Resolution agreed to.

Resolution 7, by leave withdrawn, and the following Resolution brought up instead thereof:—"That retirement be optional after 21, and compulsory from regimental and second-class staff surgeon duty after 35 years' service."

Resolution read 2o.

Amendment proposed (Mr. *Bellew*), "To leave out the words 'from regimental and second-class staff surgeon duty'":—Question put, "That the words proposed to be left out stand part":—Committee divided:

Ayes, 6.	No, 1.
Colonel Kingscote.	Mr. Bellew.
Colonel Boldero.	
Colonel North.	
Mr. Peel.	
Sir F. Davie.	
Sir John Hanmer.	

Resolution agreed to.

Resolution 8, read 2°, amended, and agreed to.

Resolution 9, negatived.

Resolution 10, read 2°, amended, and agreed to.

Resolution 11, read 2°, amended, and agreed to.

Resolution 12, read 2°, and agreed to.

Resolution 13, negatived.

Resolution 14, agreed to.

Resolution 15, amended, and agreed to.

Resolution 16, negatived.

Resolution 17, negatived.

A Resolution

A Resolution in lieu thereof was brought up (Mr. *Bellew*), read 1°, 2°, and agreed to, as follows:—"That as it has been stated to this Committee that the supply of medical officers was insufficient during the late war, the establishment of civil hospitals may have been necessary; but your Committee think the recurrence to such alternative may be avoided for the future."

Resolution 18, negatived.

The following Resolution was brought up (Mr. *Peel*):—"That a person duly qualified to compound medicines, and attested for military service, should form a part of the medical establishment of every regiment; and that those persons should be selected either from the Medical Staff Corps, from the ranks of the regular Army, or from the orphan sons of soldiers, educated at the Military Asylum; that they should be regularly trained and educated with a view to the duties to be discharged; and that no one shall be considered eligible for employment until he has given proof, on examination by a Board, that he may, with safety to the sick soldier, be entrusted to compound the medicines to be administered to him." In lieu thereof, read 1°, 2°, and agreed to.

Resolution 19, negatived.

A Resolution in lieu thereof was brought up, read 1°, 2°, and agreed to, as follows:—"That the Medical Staff Corps, which was raised for service during the late war, shall continue a part of the peace establishment; and that it is desirable it should be recruited from the ranks of the Army, provided volunteers offer in sufficient numbers, possessing requirements deemed essential to qualify for the particular service on which this corps is to be employed."

Resolution 20, read 2°. Amendments made. Amendment proposed (Colonel *North*), "To omit the word 'general'":—Question, "That the word proposed to be left out stand part," put, and agreed to.

Resolution further amended, and agreed to.

Resolution 21 read 2°, amended, and agreed to.

Resolution 22, negatived.

A Resolution in lieu thereof was brought up (Mr. *Bellew*), read 1°, 2°, and agreed to, as follows:—"That at the outbreak of any future war, separate transport should be provided for the conveyance of all medical stores; but Your Committee leave the minor arrangement of detail to the Executive."

Resolution 23, negatived.

An additional Resolution was brought up (Mr. *Stafford*), read 1°, 2°, and agreed to, as follows:—"The Committee in the course of its inquiries have had immediately brought before them the admirable manner in which the Army and Civil Surgeons have performed their duties in the East, and Your Committee are glad to take this opportunity of recording the high opinion they entertain of their merits."

Ordered, That these Resolutions, together with the Minutes of Evidence, be the Report of the Committee to The House.

[To report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Dr. Burrell - - -	Physician - -	Near Exeter -	6	5 - -	18 18 -	23 18 -
Mr. Grant - - -	Gentleman - -	Brighton - -	1	1 9 -	1 1 -	2 10 -
Mr. Dartnell - - -	- - - -	Chatham - -	1	1 1 -	1 1 -	2 2 -
					£.	28 10 -

LIST OF WITNESSES.

Jovis, 1° *die Maii*, 1856.

	PAGE
Andrew Smith, Esq., M.D.	1

Lunæ, 5° *die Maii*, 1856.

Andrew Smith, Esq., M.D.	19

Jovis, 8° *die Maii*, 1856.

William Henry Burrell, Esq., M.D.	43
Duncan Menzies, Esq., M.D.	60

Jovis, 22° *die Maii*, 1856.

Henry Mapleton, Esq., M.D.	71
Thomas Richardson, Esq.	97

Lunæ, 26° *die Maii*, 1856.

James Ranald Martin, Esq., F.R.S.	98
Alexander Grant, Esq.	108
Serjeant William Sheldrake	116
Serjeant George Simpson	118
Colonel John Douglas	120
Major-General Sir George Buller, K.C.B.	121

Veneris, 30° *die Maii*, 1856.

Colonel Lord West	123
George Russell Dartnell, Esq.	134

Lunæ, 2° *die Junii*, 1856.

William Lindsay, Esq.	151
Major-General Lord De Ros	155
John Robert Hume, Esq., M.D.	165
Captain George Bunbury	171

Jovis, 5° *die Junii*, 1856.

	PAGE
John Aston Bostock, Esq.	176
William Ord Mackenzie, Esq., M.D.	181
Sir George Augustus Wetherall	193

Veneris, 13° *die Junii*, 1856.

George Owen Rees, Esq., M.D.	197
Sir Benjamin Hawes, K.C.B.	201
Mr. John Agnis	212
John Wallen Halahan, Esq., M.D.	215

Lunæ, 16° *die Junii*, 1856.

His Royal Highness the Duke of Cambridge, K.G.	218
Corporal-Major Tomlinson	230
Serjeant Thomas Inkster	232
Charles Frederick Maunder, Esq.	233

Veneris, 20° *die Junii*, 1856.

The Right Hon. the Earl of Cardigan	237
Sir John Liddell, M.D., C.B.	249

Lunæ, 23° *die Junii*, 1856.

Major-General Sir Richard Airey, K.C.B.	257
Andrew Smith, Esq., M.D.	271
Mr. John Jackson	281

MINUTES OF EVIDENCE.

Jovis, 1° *die Maii*, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Colonel Kingscote.
Sir John Trollope.	Mr. Leveson Gower.
Mr. Bellew.	Mr. Legh.
Colonel Boldero.	Mr. Noel.
Sir Henry Davie.	Colonel North.
Sir John Hanmer.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

Andrew Smith, Esq., M.D., called in; and Examined.

A. Smith, Esq., M. D.

1 May 1856.

1. *Chairman.*] WILL you state what is your office?—Director-general of the Army and Ordnance Medical Department.

2. How long have you held it?—I have been chief of the department for five years and three months, but only Director-general for about three years.

3. Were you engaged in any way as chief of the department before you became Director-general?—Yes, I was virtually Director-general before, but under a different name. I was the superintendent of the Army Medical Department from the 7th of February 1851 to the 25th of February 1853.

4. Was that during Sir James M'Grigor's time?—No, I succeeded Sir James M'Grigor.

5. How long were you under Sir James M'Grigor?—Six years.

6. What had been your experience before that as an army surgeon?—I had been 30 years in the service before that.

7. Had you been in the service abroad as well as at home?—Yes, I had been 19 or 20 years abroad as a medical officer.

8. In what parts of the world?—In Canada, Nova Scotia, the Mediterranean, and the Cape of Good Hope.

9. Will you state any changes that have taken place in that department since you became Director-general, that is to say, any changes previous to last year?—Until the time of the war no changes whatever had taken place in reference to the organization of the department.

10. Will you state what changes have taken place since the commencement of the war?—Since November 1854, greater powers were given to me than I ever possessed before. Since the 23d of November 1854 I have received some increased powers.

11. In what form were those powers given to you; what official documents had you conferring upon you those additional powers?—Nothing but a letter from the War Department, to state that in conformity with my suggestions I should be allowed to employ some ships in the way that I proposed for the conveyance of medical stores.

12. At what time did you propose the employment of those ships?—As early as March or April, before the war was declared; immediately after the forces were sent to the East.

13. You made a proposal to have some ships placed at your disposal?—Yes, with a view to carry the stores of the Medical Department direct to the place where they were intended to be used.

A. Smith, Esq., M.D.

1 May 1856.

14. And that proposal you made in March 1854?—I cannot state exactly the date.

15. Can you put in the correspondence upon the subject?—I think I could put in the correspondence upon the subject, pointing out my wishes.

16. And the letters of the War Office complying with them?—Yes; it was not exactly the same thing that I asked in the early part; what I asked was, that all my stores should be sent in ships going out there, and that they should be accompanied by officers of the department, and in order to secure their being properly landed afterwards, I proposed that I should have ships allotted to myself, and be allowed a supercargo with each ship. There was a second proposal about September or November, and it was conceded in November, with the exception that I did not get a supercargo.

17. But no notice was taken of the first application in March?—No specific notice; they assisted me as far as they could in letting my stores be put in particular ships when it was practicable; but they did not invariably do it.

18. Colonel *North*.] Did they give any reason for that?—Yes.

19. *Chairman*.] The War Office has undergone extensive changes since the accession of the present Government to office, of which an outline was given by you in the summer of 1855; before that, you stated that you were obliged to serve five masters; was not that the phrase you used before a previous Committee?—No; I named my five immediate superiors.

20. Has your position been simplified by the recent changes in the War Office?—Very materially.

21. Will you state how?—I have now only to obey the orders of Lord Panmure and the Commander-in-Chief, therefore I have only to do with two public functionaries instead of having to do with five.

22. You communicate directly with the Secretary of State for the War Department and the Commander-in-Chief?—Yes; with the Commander-in-Chief in matters relating to the effective force, and upon all general matters, with the Secretary for War. With reference to medical officers required for regiments, and medical officers required to be removed from regiments, and recruiting, and all such matters as those, I communicate direct to the Commander-in-Chief.

23. What official documents have you notifying those changes to you?—I do not think I have any official document beyond the working of the department; finding that all letters are addressed to me now, either by the Minister for War or by the Commander-in-Chief, I only reply to those letters. It is merely by the working that I know it.

24. Having ceased to correspond with three of those masters whom you mentioned to a previous Committee, you have now only to correspond with two, and you find that arrangement in actual operation, but you have had no official communication to you, to state to you when it was adopted?—I would not like to reply to that point without ascertaining the fact, because it is a point that did not occur to me. I may have had some letters from time to time stating what I was to do in reference to certain things, but I have had no general letter that told me distinctly the changes. It was only by the operation that I became aware of the change, and from conversation.

25. And that change has been in existence since June or July last?—Before that, I should think, to a certain extent. It was in operation in January 1855, but not to the same extent as at present; but certainly, on the accession of Lord Panmure, it became then immediately operative.

26. Soon after the present Government took office, the Prime Minister stated in the House of Commons that it was the intention of the Government to form a Medical Board; were you consulted on that subject?—I was not consulted. I was told by Lord Panmure, in February 1855, that it was the intention of the Government to reorganise the department and form a Medical Board.

27. You were not consulted upon that question?—I was only told it.

28. Sir *J. Trollope*.] Can you tell the Committee why that resolution has not been carried out; did you offer any obstacle to it?—No. I must go further, in order that I may be understood. At the same time Lord Panmure mentioned to me that a civil element was to be introduced into the Board, upon which I asked what was meant by the civil element to be introduced into the Board; and when it was mentioned to me that it was a civil surgeon, then my remark was, "Then, my Lord, I wish to retire."

29. *Chairman*.] Lord Panmure communicated to you, not only that it was the

the intention to form a Board, but that a civil element was to form a portion of it?—Yes.

30. Colonel *North.*] Did you understand by that that the civil element was to be introduced into the Board only during the continuance of the war, or that it was to be a permanent arrangement that civilians were to be mixed up with the military part of the Board?—I fancied it to be a new organization of the department, and that it would be continuously the case.

31. Mr. *Bellew.*] You of course felt considerable interest in these changes in your department?—I felt that I could not serve under these circumstances; that was the only thing I felt about it. When I was told that a civil element was to be introduced I asked to retire.

32. You were opposed to the introduction of a civil element?—I was opposed to the introduction of a civil element, and equally opposed to the constitution of a Board.

33. You said just now that you are under the orders of both Lord Panmure and the Commander-in-Chief; is there any distinct classification of subjects upon which you consult one authority or the other?—Yes; it is distinctly understood.

34. Besides the understanding, is there any document that we can refer to upon the subject?—No. Upon all matters connected with the force of the army, and connected with the discipline of the army, Lord Hardinge is the person I have to consult and to address; and upon all matters connected with money matters, and the carrying out the general duties of the service, Lord Panmure.

35. Sir *J. Trollope.*] You are aware that a civil element has been introduced into the service abroad in the organization of the hospitals?—I am not; I do not think there is such a thing.

36. Have there not been medical gentlemen employed who were not holding military commissions?—Only at Scutari and Kululee.

37. In our service in the hospitals in the East have there not been civilians employed?—There have, at Scutari and Kululee.

38. Were you opposed to their introduction into the service?—No, I cannot say that I was; for this reason, that we required for the service of the army in the East more medical officers than we actually had, or could get, from our foreign colonies in sufficient time; and therefore I saw, that for the sake of humanity, it was desirable that we should even engage and employ a certain number of civilians to make up the number necessary.

39. And you did so encourage their introduction?—I did so; I proposed the thing myself as regarded Smyrna.

40. And Renkioi?—No; I had nothing to do with Renkioi.

41. It did not suggest itself to your mind that you might obtain the number that you required by the promotion of senior regimental medical officers, and so increasing the young men in the subordinate ranks?—We could not get young men. Another thing was, that the promotions were very rapid; young men were coming to be promoted at a very low standing; we were coming down to nearly five years' service.

42. Colonel *North.*] Do you now approve or disapprove of the introduction of the civil element into a Military Medical Board?—I decidedly disapprove of it.

43. Sir *H. Davie.*] Did you tender your resignation on account of ill-health, or from what cause?—Not on account of ill health, because I had no fear of being unequal to the work, but on account of being threatened with the introduction of the civil element.

44. What effect would that have produced upon the officers serving in the Army Medical Department?—I cannot presume to say what effect it would have had.

45. *Chairman.*] But you can state the reasons of your objection, which induced you to tender your resignation in the event of that plan being persevered in?—In the first place, I considered it disrespectful to myself; and, in the next place, I considered that the civil element could have no knowledge of what was necessary for the Medical Department of the Army, and that it would only be a drag upon the others who had to work the system.

46. Did Lord Panmure, or whoever communicated the intention of the Government to you, state the number of which this Board was to be composed?—No, he did not.

47. You did not know whether it might be three, or five, or seven?—I assumed that it would be three; in conversation I always spoke on the assumption that it was to be three.

A. Smith, Esq., M.D.

1 May 1856.

48. And in the proportion of one to two, you objected to the introduction of a civil element?—Yes, that was one reason why I objected to it; another reason was, that having acted as Director-general, during three years at least, and had experience during five years, when Sir James M'Grigor was in such a state of health that I had to do many of the duties, I felt that I actually had been doing those duties for eight years, and that I had done all, as far as I was allowed to do them, and I felt that constituting a Board was as much as saying to me that I had not done efficiently the duties. I did not wish to be one of the members of the Board after having been the head.

49. Then you tendered your resignation, not because a civil element was proposed to be introduced, but because the Board was constituted at all?—It was the proposal to introduce a civil element that induced me to ask to retire; I said nothing about resigning until that was proposed.

50. But you would have considered the institution of any Board a slight upon you?—Certainly.

51. Sir *J. Trollope.*] Did not you give another reason before another Committee last year, namely, that the state of your health would not have permitted you to carry on the heavy duties imposed upon you at that time?—I do not think I did; the question was put to me, and I stated that I had not been required by the Government to resign in consequence of my health, but that my medical attendant, seeing that I was suffering so much in health, and that my duties were so onerous, advised me, as soon as I could consistently, to give up my appointment; but I did not give that as the reason why I resigned.

52. But you had been so advised by your medical attendant?—Yes; but I did not act upon the advice of my medical attendant.

53. Does that state of health still continue, or are you able to carry on your duties at this time?—Perfectly able.

54. Sir *H. Davie.*] Are we to understand that you resigned solely on account of a personal feeling, and not because you thought the service would be injured by the plan proposed?—No, I thought the service would be injured.

55. I asked you what effect it would have upon the Medical Department of the Army, and you said you could not tell?—I could not answer what effect it would have; I could answer what effect I thought it would have; it would have been injurious, in my opinion, but I am not sure of it.

56. When was your resignation tendered?—I think it was on the 25th of February 1855.

57. *Chairman.*] Had you any further communication upon the subject with the Government, or did the subject drop there?—No, I had no official communication with the Government beyond that.

58. They never told you that they had determined to withdraw the plan of a Board?—Yes; I think it was mentioned to me on one occasion that they had determined not to introduce the civil element.

59. And not to constitute a Board?—I do not think anything was said about the Board; to which I replied, "Then my cause of objection is removed."

60. Sir *H. Davie.*] But you did not consider the conversations that passed as anything in the shape of consulting you as to the propriety of introducing a civil element?—On the occasion I did not consider it as such; but subsequently I was authorised by Lord Panmure to propose a new organization for the office, which I did.

61. *Chairman.*] Did you submit that in writing?—Yes.

62. Can you put in a copy of it?—Yes; I ought to say that I stated to him the necessity of a new organization, as it was not intended to carry out the arrangements originally proposed; and in reply, I got authority to propose a new organization.

63. Which proposition you will put in to the Committee?—I will do so.

64. Were those propositions complied with?—Not altogether.

65. Have you any suggestions further to make with regard to alterations in your office?—None; I think it is complete as it exists at present.

66. You mean complete as connected with the War Office and with the Horse Guards?—Yes, and the organization of the office itself is efficient for all purposes, in time of peace and in time of war.

67. Are you prepared to state that you think that no further modifications or alterations with reference to the Medical Department of the Army are desirable;

sirable; for instance, as to the financial arrangements are you satisfied with their position?—No; there are points that I think might be improved as regards that, but those are in progress of change; they have not been completed; but many changes have been effected of late, and others are in progress.

68. Will you state what changes you wish for now. Take the case of finance. Have you discretionary power sufficient with regard to finance?—I think not; I think, as the head of the department, I ought to have a little more power to incur expense when it is absolutely necessary, the Government holding me responsible that I apply the money in a proper way.

69. Will you state what powers you have now?—At present there is a modification, in consequence of the powers given me during the war. Whether that modification will be allowed to continue or not is a question. At the present moment I can order a great variety of things, to the extent even of 7,000 *l.* or 8,000 *l.*, and that will be allowed by the War Office. But I presume that that power was only given at the time of the emergency, and that it will be withdrawn, and that things will return to their original form.

70. What official document have you giving you that increased power?—I have a letter telling me to purchase all medical comforts myself that are necessary; and I have been allowed to purchase them.

71. Does that letter fix a date to such power, or is it indefinite?—It is indefinite; but the necessity for it will not exist when the army is withdrawn.

72. Does your power only extend to purchasing articles for consumption for the troops in the East?—Yes.

73. Is it definitely stated as referring to the troops in the East, or is it general?—To a certain extent it is general; but I was given to understand that it was applied to the army in the East; and as a proof of that I may mention, when I sanctioned some purchases being made at home, I was asked upon what authority I sanctioned them. My reply was simply, upon the general authority which had been given me, and that it was a case of emergency, and would not admit of the delay of making a regular application to the War Office, and that I had taken upon myself to make the purchase. The reply to that was, that in such cases as that I might continue the practice. Therefore I inferred that in all cases not of great emergency I was not authorised to do it.

74. Can you, as an illustration, state to the Committee the particular case to which you refer?—I think the case to which I refer, was the having authorised the purchase of five or six drip-stones (filtering machines) for the use of the camp in Aldershot.

75. Colonel *North.*] Then, in point of fact, you do not feel authorised to order that sort of thing without going through the old form?—No, unless injury would result from the delay.

76. According to the old form, what forms would you go through?—I would now have to address the Minister for War, and the letter would be transferred to the Secretary at War, who would judge of the propriety of the demand; and if they concurred with me in the propriety of it, they would sanction my taking such steps as to accomplish my object.

77. *Chairman.*] That you think too circuitous a route?—I think it is, and it is too stringent; I think I ought to be able to judge.

78. Mr. *Noel.*] You think that in time of peace you ought to have the same power that you have now?—Yes.

79. *Chairman.*] Is there any other instance that you can give?—I cannot call to mind any other.

80. Will you put in the letter giving you the additional power which you now exercise?—I will do so.

81. Colonel *North.*] I believe the Ordnance Medical Department is now entirely under your charge?—It is.

82. Formerly you applied for certain things to the Ordnance Department; do you now order those things by your own directions?—I can order nothing by my own directions; I address the department from which I wish for anything; for example, if I want stores to equip an hospital, I address the Director-general of Stores, and I get them, which is shortening the former course very much; formerly, if I wanted those stores, I had to make out a requisition, and address the Military Secretary; the Military Secretary addressed the Board of Ordnance; the Board of Ordnance sent a letter to the Tower to supply them; and then, perhaps, it happened that the Tower had not got them; the Tower then had to report

A. Smith, Esq., M. D.

1 May 1856.

report back to Pall-Mall that they had not got them; and Pall-Mall reported to the Commander-in-Chief that they were not in possession. Then the Commander-in-Chief informed me, and I had to substitute something else. At the present moment there is nothing of that kind; I address directly the Director-general of Stores, and if he has not got what I want he writes back and tells me. In that way the labour is diminished very considerably.

83. Supposing you wanted a particular thing, should you be obliged to accept some other thing which you did not want, because they had not it?—Not if I considered that that other thing would not answer for the purpose; but sometimes one thing can be substituted without any inconvenience for another. I do not mean to say that I would substitute one thing for another unless I could be assured that it was equally effectual.

84. Mr. *Bellew.*] Can you lay before the Committee the correspondence relative to the drip-stones which you mentioned?—Yes. I will place the correspondence before the Committee; I am not sure whether it was drip-stones.

85. *Chairman.*] Have you now fully stated the financial inconveniences to which you are subject, and the alterations which you desire in that respect?—I have stated them in general terms, not at all in detail; my own idea is, that a certain sum of money ought to be placed to my account, and that I ought to be responsible for the spending of it. In all trifling things, such as may cost 5*s.*, or 6*s.*, or 10*s.* I should be able to order, and the Government would hold me responsible for exercising a proper discretion. If they did not consider that I had exercised a proper discretion I ought to be informed that I had not, and called upon to render good reasons, and if I could not render good reasons then surcharge me.

86. Have you any idea as to the sum that you think ought to be so placed to your account?—£. 4,000 or 5,000 *l.* in a year.

87. Colonel *North.*] Would not it frequently occur that applications would be made to you for articles, which, if you had this money placed to your account, you could obtain, and supply for use immediately?—That is exactly the point; those articles are asked of me for immediate use; as the system at present exists, I must write and ask permission to authorise the purchase of those, or to obtain them; there is no doubt that that representation will obtain me that permission, otherwise I am useless; but still there is a delay which might prove disadvantageous.

88. Do you generally get an immediate answer to your applications?—If I address a letter as "Immediate," I would get an answer probably the following day. In time of war, I got it in two or three hours sometimes.

89. *Chairman.*] Have you, for example, in case of a sudden outbreak of fever, authority to purchase the medicines that are necessary, or in the case of an outbreak of ophthalmia, to order that the walls should be made green, or in case of a sudden outbreak of gangrene, have you authority to purchase whatever may be immediately required to provide for it?—No; those are especially cases in which this discretionary power is required; for instance, if I wanted a hundred basins for hospital gangrene breaking out, the ordinary proceeding is, to apply to the barrack-master at the station. The barrack-master has not got them; the barrack-master is then considered to refer to Pall-Mall for them. Then the medical officer, if he is exceedingly anxious for them, might apply to me, and I must go to Pall-Mall to get authority to purchase those; whereas had I such a power, I could at once purchase them in the best market.

90. And you think that a sum of 4,000 *l.* or 5,000 *l.* a year would meet all those difficulties?—Yes, I should think less than that, probably.

91. Sir. *H. Davie.*] Do you think that the power which you would suggest to yourself, with regard to expenditure, should be possessed also by the chief medical man in charge at the great hospitals at Chatham, Woolwich, Plymouth, and Portsmouth?—No.

92. You would not give them the power of purchasing comforts for the sick?—If you do you lose the responsibility. Your money may be spent, and the country will have to pay the money without sufficient responsibility. I think if it was placed in the hands of the chief of the department, whoever he may be, that would be sufficient.

93. Do not cases of emergency arise frequently, of sickness, for which some comforts are necessary, which cannot be supplied under two or three days by the official mode of transacting business?—I do not think that in a case of that

that kind the Government would offer any objection. If I was the head of the Hospital Establishment at Chatham, and I saw something exceedingly emergent arise, and that within two or three hours a certain thing was necessary, I would not hesitate purchasing it upon my own responsibility, nor would anybody.

94. *Chairman.*] But now the medical officers are responsible to you, and you to the War Department, and though you might approve the expenditure, the War Department might not?—The War Department might not.

95. What you propose is, that your decision should be final in such cases?—Upon certain matters; because, practically, the War Department does almost always approve of my recommendation in reference to these matters; only delay arises in consequence.

96. Are you satisfied with your power over the medical officers of the army, with respect to the arrangements and changes which you think it your duty to make, with reference to their competency for their duties, or are you at all fettered or restrained in that respect?—No, I am not at all fettered.

97. Mr. *Bellew.*] You are satisfied with the power you have over the discipline of the medical officers?—Quite.

98. You have the power of changing them from one place to another?—Yes, I have the power of changing them, but, for necessary reasons, I cannot take a medical officer away from a garrison, without first making it known to the commanding officer of that garrison, because he is responsible for every person in that garrison, and if I were to take one away without giving him notice, things would get into confusion; therefore, if I want to take a man away from Chatham, for example, I write to the medical officer there to state to the commandant that I wish to take away that man, and it is instantly done.

99. He has the power of refusal in that case?—He has, but no person will refuse; it is a thing understood in the service; it is merely to give him the knowledge that he ought to possess, being in command of the garrison, so that when he supposes he has 96 officers under his command, he should not of a sudden find that he has only 94.

100. You do not at all object to that?—No, I think it is right.

101. Colonel *Boldero.*] In whose hands rests the power of promotion?—It rests in the hands of the Commander-in-Chief.

102. By your recommendation?—By my recommendation.

103. *Chairman.*] Does the Commander-in-Chief ever refuse your recommendation?—He never has.

104. On no occasion, since you have held the office you now hold, has the promotion of a medical officer whom you have recommended been refused?—No; but officially, I think once or twice, I have been asked a question respecting the recommendation.

105. But it always resulted in the adoption of your recommendation?—Yes.

106. Does the War Office ever take the initiative, and recommend a medical man for promotion?—No, that would be contrary to what I understand to be the rules of the service; the initiation must be taken by me.

107. And it is always so?—Yes; any authority wishing to have a person recommended would probably mention to me the wish, and if I saw no reason why it would not be right and proper for me to recommend the man, I would put it forward as if originating with myself, but that is the course I must take.

108. Colonel *Boldero.*] What is the general rule in recommending an assistant surgeon to be made a full surgeon?—The senior is promoted invariably, unless there is anything in the senior that renders it improper that he should be advanced.

109. Sir *J. Trollope.*] Have you observed that rule also in other cases of promotion in the higher ranks?—No; the established rule with regard to them, is selection.

110. Are you responsible?—I am responsible; that is to say, thus far, that I am the officer to select; I select from those officers that are best recommended by the principal medical officers of stations. I receive yearly, sometimes oftener, from the principal medical officers of large hospitals, or commands, reports in reference to the medical officers who have done duty under them, stating those that had been efficient, and those that had not; those that had been indolent, and

A. Smith, Esq., M. D.

1 May 1856.

those that had been active; also the qualifications of all in every other respect. When a promotion is to take place, if I feel it necessary to recommend a surgeon to be made a staff surgeon, I call for the confidential reports for three or four years with reference to the officers; I always begin with the senior; read the reports respecting him; and if I see anything unfavourable I pass to the confidential reports of the next man to him; and if the difference is very marked between the men, my duty, if I act conscientiously, according to the existing regulations of the service, is to pass over the first and to select the second; but if there is nothing against the first, then decidedly he has the additional advantage of seniority, and therefore he is selected.

111. I will put an instance to you: you recollect probably the promotion of Staff Surgeon Reade, who came home from Bulgaria a year or two ago, and received an appointment from you at Chatham, you appointing him over a number of other surgeons' heads. At that time did not he pass over at least 15 surgeons, when you promoted him to be a first-class surgeon?—I do not think he did; Mr. Reade was in England, and a vacancy arose at Chatham, and therefore the senior in this country was the person properly eligible to be appointed. He was the senior in this country at that time.

112. You believe him to have been so?—He was the senior at that time in this country eligible for promotion.

113. He had come home on the plea of ill health, had he not?—He had.

114. I think in two other cases also you promoted gentlemen on the plea of ill health; did not you appoint Dr. Dumbreck when he came home?—I took him as my own professional assistant in the office.

115. Does he still hold that appointment?—Yes.

116. Was that a promotion to him?—No.

117. He got no higher pay, and no rise of rank in the service?—No; but I must remark that, as Director-general, I have the same discretion allowed me as a general officer commanding abroad, who is always allowed the discretion of exercising his own judgment in selecting his own staff, and I naturally took a man that I had confidence in.

118. Did you appoint Dr. Menzies to the camp at Shorncliffe on his coming home?—I did.

119. Were you aware of the way in which he managed the hospital at Scutari when he was there?—I was.

120. Were you satisfied with his management?—Not at Scutari; though I was not so dissatisfied as the world generally was, because I found that difficulties were thrown in his way that he could not overcome, though he made endeavours to overcome them, and I did not consider that Shorncliffe station could possibly present the difficulties that Scutari presented.

121. But still at Scutari he was the chief medical officer in charge of the hospital?—Yes.

122. And you apprehended that there would be no difficulty in his discharging the duties at Shorncliffe, because they were not so heavy as in a foreign hospital?—There was none of the same description of duties.

123. Would he have been competent to the duties if a state of sickness at all approaching to that at Scutari had broken out in the camp at Shorncliffe?—Clearly.

124. There was nothing in his conduct abroad that disqualified him for immediate employment at home?—No; the only thing I found fault with him at Scutari for was a want of moral courage to take the necessary steps to get the stores from Varna. If he had had sufficient moral courage, he might have gone and said to the Admiral, who refused to give him a vessel to bring them down, "If you will not give me a vessel, I will take all the responsibility upon myself; and will engage a steamer though it cost 20,000 *l.*; I will run all risks." That is what I should have done myself; that is the principal point on which I found fault with his character, want of moral courage. Now no such moral courage was required at Shorncliffe, because a telegraph message to myself, if anything had happened, could easily be sent.

125. Colonel *Boldero.*] Had you not occasion in consequence of the war to lower the qualifications of your candidates for entrance?—We did not get so high a class of men latterly as we used to get before, but I never took a single man who did not produce evidence of being fully qualified to practise his profession.

126. Can you send to the Committee the qualifications required for a candidate upon his first examination?—Yes.

127. Mr. *Noel.*] Is Dr. Menzies at Shorncliffe now?—No.

128. What is the reason of his being removed?—No special reason whatever, except that a senior officer in rank and service came home, and Mr. Menzies was relieved, doubting whether he should be sent on foreign service or not; he had been longer at home than the man who has now gone to Shorncliffe.

129. That is the sole reason of Dr. Menzies being removed?—The sole reason.

130. *Chairman.*] Is it the usual practice that when a senior comes home, he relieves a junior in a position like that?—It does not follow as a matter of necessity; but every man coming home from foreign service feels that he has a right to a certain time of home service; and if the person at home has been any length of time at home, it is generally considered an act of justice to give the officer coming from a foreign country home service for a time.

131. Sir *J. Trollope.*] Do not you consider the circumstances under which gentlemen have come home when you give them these appointments, having regard to whether they have come with credit?—I would give no man an appointment who was not qualified for the appointment.

132. Sir *H. Davie.*] Does Dr. Reade still remain in the appointment at Chatham?—Yes.

133. Has no senior officer come home since he got that appointment?—Yes, I think several; but I considered Dr. Reade specially eligible for that appointment, and that I should do an act of injustice to the public service were I to remove him.

134. Sir *J. Trollope.*] You spoke just now of a man whom you thought deficient in moral courage. Are you aware whether Dr. Reade was considered deficient in that necessary virtue in Bulgaria?—Perfectly aware.

135. Was it not the case, that in consequence of that want of moral courage he was so alarmed at the progress of the cholera that he sent in his resignation?—Yes; I am not aware of that. The bravest men in bad health are often the greatest cowards. Dr. Reade had experienced severe domestic afflictions. He was first called to my attention by a most dexterous operation which he performed in Corfu; no medical man durst attempt it but himself, and he performed it successfully, and restored the sufferer to health. That case was reported to me, and when the war was imminent, I ordered Dr. Reade, in consequence of having heard the statement of the manner in which he had performed that operation, to be prepared to join the army directly. His wife was very ill at the time, and he was very much disinclined to go. He asked permission of the Commander-in-Chief of the Ionian Islands to come home, to endeavour to get off going. He came home. I told him, "I cannot let you off; it would be injustice to the service, after the manner in which you have been described as having operated, if I were not to compel you to go. I regret your wife's sickness, but that cannot be brought into competition with the interests of the public service." He went back again to go. On his arrival at Corfu, he found that he had lost one, if not two, of his children during his absence, and his mind was thus excited and weakened at finding that he was compelled to go to the army. He went on, but he was labouring under sickness and excessive mental agitation. A Deputy Inspector-general of hospitals gave an opinion that that was the cause of the man's timidity and the man's incapability at the moment of doing any duties. However, he was not allowed to come home, until he resigned. Therefore, he sent in his resignation. When he came home to England, Lord Hardinge referred the case to me, and desired to know whether I thought his resignation ought to be accepted. Knowing the man so well, and what he was able to do, I wrote that I did not think it ought to be accepted till further inquiries were made; that Mr. Reade had served 15 years, and it was just possible that his state of bodily health rendered him unfit for his duties. I thought it was a great hardship to throw a man with six children upon the world, and I delayed till he came home. When he came home, I got his explanation, and I found that he was really sick. He was granted a short leave. Then I ordered him to Cha ham for a time, and when a vacancy arose, for an officer to take charge of a certain portion of the sick and wounded arriving from the Crimea, I did not feel that I could lay my hand upon a fitter man than himself.

A. Smith, Esq., M. D.

1 May 1856.

136. And he has done the duties satisfactorily?—Every letter from the chief medical officer at Chatham has been in commendation of him.

137. Mr. *Noel.*] Were you perfectly satisfied with the conduct of Dr. Menzies during the whole time he was deputy-inspector at Shorncliffe?—There was nothing that he did that was very faulty.

138. There was nothing against him that caused his removal from Shorncliffe?—I did not remove him from Shorncliffe in consequence of anything against him.

139. Then we are to understand that there was no cause whatever for dissatisfaction with him?—I was not perfectly satisfied that he did the duty as well as he might have done; but there was nothing sufficiently defective in what he did to warrant me in removing him, if it had not been for the purpose of placing there a man of long service, and also of allowing Dr. Menzies to go abroad.

140. *Chairman.*] The troops under Dr. Menzies' care at Shorncliffe were chiefly Germans?—They were all Germans, and treated by German medical officers, who could communicate with the patients in German.

141. Was Dr. Menzies a German scholar?—No; but most of the German medical men could speak a little English, and I desired him to attach to himself a surgeon who could speak English; and the duties were performed in that way for a certain time. Until the Germans were ordered to embark for Scutari there was a German deputy-inspector there, Dr. Freund.

142. At what time was Dr. Freund appointed there?—When they commenced to form the Legion.

143 Did he reside there at first?—He resided with me in the office at first, to assist in getting medical officers from Germany. As soon as he had completed that, I sent him to Shorncliffe; and there he remained till three of the regiments were sent out, when it was necessary to send a superintending medical officer for them.

144. Are you satisfied that, during the time of the German Legion being at Shorncliffe, there was no difficulty experienced from want of interpretation, or means of communication between the patients and the assistant surgeons, and between the assistant surgeons and Dr. Menzies?—I am not aware of any. There was an outbreak of cholera in 1855, and during that time the duties were exceedingly well done; and during that time they were under the superintendence of Dr. Menzies.

145. Mr. *L. Gower.*] Has Dr. Menzies had any appointment subsequently to his appointment at Shorncliffe?—No, he is not employed on any duty at present, in consequence of the reductions about to take place; I consider that he will come within those reductions, and therefore I have not employed him in any way.

146. Mr. *Legh.*] I understand you to say, that the appointments of medical officers on home service are not permanent at all, but are, in fact, on good behaviour?—No; it is generally understood that a person appointed at the head of a hospital establishment at home, will be left there three years.

147. But I understand you to say that he is always liable to be removed upon the return home of another officer?—No, I do not think, generally speaking, that would have any effect.

148. Still he would be removable, without its being considered that he was ill-treated in any way upon the arrival of another officer from foreign service, according to your discretion?—Clearly. It would be in this way: if another officer arrives from foreign service, as we have never more officers than we actually want to do the current duties, then the foreign station will become vacant by the arrival of the officer in this country; and to supply the station I should have to take a person who was serving at home, and send him out to do so.

149. Then an officer who had been appointed to a hospital under the idea of remaining there three years, would be removed under those circumstances?—Yes.

150. Do you think that that is conducive to the advantage of the service?—No, I do not. I should advise that we should have an extra number of officers, which would admit of a man coming home, and my sending another, without removing those at home until their periods of service had been completed.

151. As long as the present system exists in that respect, you do not think it is encouraging to the profession?—No, I do not.

A. Smith Esq., M. D.

1 May 1856.

152. Colonel *North.*] If a vacancy occurs upon a particular station, say the West Indies or the Mediterranean, do you, in filling up that appointment, take into consideration the seniority of the medical gentlemen generally, or do you select from the station where the vacancy occurs?—In all death vacancies the regulation is, that the senior medical officer upon the station gets the vacancy.

153. Mr. *Bellew.*] Can you give the Committee any instance of a regimental medical man having been reported, either by the commanding officer or other person, for professional incompetency; and how those cases (if any have arisen) were treated by you?—Several commanding officers have reported that the medical officers were not such as they could wish, but no power rests with me of removing the officer; it must be decided by a court-martial before he can be removed.

154. Supposing a colonel prefers a charge of incompetency against a medical officer, either from physical or mental causes, would the court-martial trying the case consist of medical or of military officers?—A court-martial must be of military officers. There may be a Board of inquiry of medical officers, which would be the case most likely. Supposing there is any decided case reported by the commanding officer of a surgeon being incompetent to his duties, either from mental or physical defects, the course I would pursue would be to write to the principal medical officer of the command, and require him, either by himself or by means of a Board, to inquire into the complaints made against the officer.

155. Can you give us any instance in which such a line of conduct has been pursued upon your part?—There have been several instances; I have known cases.

156. Resulting in a dismissal?—Resulting in the officer being placed upon half-pay.

157. *Chairman.*] Do you ever degrade a medical officer by placing him at the bottom of the rank, or placing him in a lower rank?—Courts-martial have occasionally done so; I cannot do it; but the sentence of a court-martial sometimes places a man at the bottom of the list of his grade.

158. Colonel *North.*] Of course a military court cannot judge whether the medical treatment of a medical officer has been correct or incorrect. Supposing it was reported to you by the Inspector-general of Hospitals that a medical officer had misconducted himself as far as his medical practice was concerned, how would you treat that case?—The course taken is just that which I have mentioned, namely, to write to the principal medical officer of the command to have the case inquired into; and if it is satisfactorily proved, and there is no question that the officer was incompetent and unfit to be retained in the service, my next duty would then be to recommend him to be placed upon half-pay, and probably I would succeed in getting him upon half-pay; there are instances in which that has been done.

159. Would your recommendation be to the Commander-in-Chief?—I must recommend to the Commander-in-Chief, and then it goes to the Secretary-at-War.

160. Colonel *Boldero.*] Who puts upon half pay?—The War Office.

161. Sir *J. Trollope.*] Are the cases of *mala praxis* that come before you, reported to you by the superior medical officer at the station?—The superior medical officer might report them, or the commanding officer might report them.

162. Are there not complaints on the part of the medical officers in charge of regiments and depôts, that they are compelled to keep an unwieldy mass of books and accounts, disclosing their whole course of practice in the most minute particulars?—Yes.

163. And that those books become a great incumbrance both to the medical officer and to the regiment?—It depends upon what they consider an incumbrance. Every two or three years the books are permitted to be removed from the regiments, when they cannot be required for reference, to Chatham, where they are deposited, in order to remain there to be available for any purpose for which they may be required. A medical officer is never required to carry any great amount of books about with him.

164. But you still preserve them?—Yes, because we may have occasion to refer to them.

65. Did not you appoint Dr. Burrell to take the head of the medical department of the army in the East?—No, not to take the head of the medical

A. Smith, Esq., M. D.

1 May 1856.

department of the army in the East; I appointed Dr. Burrell to assume the duties of principal medical officer of the expeditionary force ordered to Malta.

166. Did not he proceed with the army from Malta to Constantinople?—Yes; but with the knowledge, at the time, that a senior would be appointed.

167. Did you not bring a gentleman from India to supersede him?—I did.

168. Do you conceive it to be a convenient practice with an army already in the field to send a gentleman out, and then immediately to supersede him by another from a distant station?—Yes; because I knew the other would get there in time; and he was entitled to the promotion.

169. Dr Hall was senior to Dr. Burrell?—Yes.

170. And you brought him from India?—Yes.

171. At what period did he land in Bulgaria?—He landed on the 17th of June in Constantinople, and went up immediately to Bulgaria.

172. Did you immediately supersede Dr. Burrell, and order him home?—Dr. Burrell was told of it before he left Malta; in fact, I think the case will not be clearly understood, unless I go through the facts. When the army of 10,000 was sent out to Malta, I wrote to Dr. Burrell, who was a special friend of mine (he entered the service at the same time with me), that I was very glad to have an opportunity of doing something for him, and that I hoped to be able to recommend him as the principal medical officer for those 10,000 men. Then afterwards, when things assumed a more formidable appearance, and the force was to be increased, it being communicated to me by the Commander-in-Chief that it might rise up to 30,000 men, I felt that though Dr. Burrell was entitled to be made deputy inspector with 10,000 men, yet I could not recommend Dr. Burrell again for Inspector-general immediately upon the heels of the first promotion; and I felt that Dr. Hall, who was his senior, was entitled by seniority to get the step; and he being in every respect a man capable of doing the duties, I felt that I could not pass over Dr. Hall with justice to him, or with justice to the public.

173. Was not Dr. Hall at that time in charge of a very important position in India?—Yes; but Dr. Hall was deputy inspector in India, and by coming to the Crimea he was made Inspector-general, which he had a right to.

174. But Dr. Burrell must have been a man of long experience, having been of the same standing in the profession as yourself?—Yes; but he had not the rank that Dr. Hall had.

175. Was there anything to disqualify him as it regarded his professional knowledge or practice?—Nothing.

176. Was not he perfectly competent to take the medical charge of the army?—He was competent, as far as regarded his abilities and his acquirements.

177. Then was it only a question of rank?—Yes, a question of rank, and a question of justice, considering that Dr. Hall was above him, and the senior deputy inspector, and therefore the first for promotion. The regulations did not allow of my appointing Dr. Burrell an Inspector-general. Before a man can be made Inspector-general, he must have served in the rank of deputy inspector three years at home, or two years abroad; I could not make Dr. Burrell one day deputy inspector, and the next day Inspector-general. Besides even if I could have done so, I did not feel that I should have been warranted in doing so, and passing over Dr. Hall who was his senior.

178. Sir *Henry Davie.*] It would have been, in point of fact, giving him two steps very rapidly one after the other, contrary to the practice of the service?—Yes; contrary to the regulations of the service.

179. *Chairman.*] Will you put in the regulations which particularly relate to your own department?—Part of them are here, and the other part are being copied. They are all printed, but they are in different books.

180. Mr. *Bellew.*] I understood you to say that, virtually speaking, it is you who make all the promotions; in fact, that it is by your recommendation that the system of promotion is carried on?—Yes; I recommend.

181. Do you consider the system of seniority, except in cases of incompetency, the best system that can be adopted in the promotion of medical officers?—I think that if one can establish what constitutes incompetency, then seniority is the best system.

182. You stated that there is a discretionary power with you, and that in the case of a certain number of black marks appearing against a man's name, you pass

pass him over. Do you consider the present system of promotion in the medical department of the army the best system you can suggest?—I do.

183. *Chairman.*] With regard to the confidential reports you spoke of, is not the working of that system rather considered objectionable in the service, because an army surgeon may have something against him which he is never called upon to disprove, and which may, therefore, affect his promotion without his knowledge?—That system extends throughout the whole army. I do not see how we can avoid that; but I generally make a habit, if an officer complains who has certain statements against him, to tell him that he has those statements against him. I do not like to conceal it from the officer. Unless he was to press me very hard to know what they were, I should not tell him the exact things; but at the same time I would not object, if he pressed hard, to tell him the exact things. I think openness in the matter is the best course. If a man were said to have shown great incompetency and bad practice in the hospital at the Cape of Good Hope, or at the Mauritius, for example, I would not hesitate, if he requested it, to tell him so.

184. Mr. *Bellew.*] Then, in fact, you do disapprove of the system of confidential reports, although it is the system of the army?—There would be no possibility of obtaining a knowledge of what the officers were, unless through the medium of those confidential reports.

185. Colonel *Boldero.*] You are aware of an instance of a very young assistant-surgeon who greatly distinguished himself at the battle of the Alma, in the face of the enemy, and who was promoted to the rank of full surgeon; do you think that was a proper kind of reward for that young man; do you think that he ought to pass over the heads of older assistant-surgeons, merely because he happened at the moment to have been present in the face of the enemy, and to have distinguished himself?—That is a very difficult question.

186. Is it not felt as a grievance by the young men that are passed over?—I dare say it is, because I have no doubt that there are many other young men who would have distinguished themselves in the same way if they had had the opportunity.

187. Do you think that a good service pension, say of 100*l.* a year, would be a better mode of reward than promoting him over the heads of older assistant-surgeons?—I think so.

188. Was not he promoted to a regiment of cavalry?—I must confess I do not recollect the exact person you allude to. There were only two promoted after the Alma: one was the surgeon of the 95th, who was made staff-surgeon of the first class; the other was Staff Assistant-surgeon Browne, who was made surgeon. They were recommended specially by Lord Raglan and Dr. Hall, on account of their conduct. When such recommendations reach me from the General Commanding in Chief and the principal medical officer, my course is, to send them on to Lord Hardinge for promotion.

189. Was not one of the young men that you have mentioned appointed to the cavalry?—No; he was appointed to the 95th Regiment, to succeed the surgeon.

190. Are you not aware of the case of an assistant-surgeon, afterwards made surgeon, being appointed to a cavalry regiment, and afterwards applying that he might be removed from a cavalry regiment and put into a line regiment, because he said the expense of fitting out, and the expense of living with the cavalry, was far greater than in the infantry; and that he therefore preferred going into the infantry?—I think this has reference to Mr. Wilson, who was promoted after the battle of Inkermann, not to the one that was promoted after the Alma. I think Mr. Wilson was made a surgeon in consequence of his conduct in rallying a part of the troops when it was said that the Duke of Cambridge was in some danger. He was promoted, I think, to a cavalry regiment, and he applied to be removed from the cavalry regiment to the staff, which was done; but that was not after the Alma.

191. Mr. *C. Legh.*] Do I rightly understand you to say, that you think that the service of those young officers was improperly rewarded?—"Improperly" is not the word I should use. The practice of the service is, for an act of good conduct to be rewarded by means of promotion; therefore, I would not say "improperly;" but he might have been rewarded in some other way.

192. Do you consider that the distinguished conduct of an officer is improperly

A. Smith, Esq., M. D.

1 May 1856.

perly rewarded by his being put over the heads of his superior officers?—I do not exactly approve of the word "improperly;" but there might have been other methods that would not be so objectionable to the officers of the department.

193. Sir *J. Trollope.*] Has not this whole question been referred to a Board of military officers in London, to consider whether service in the field ought to count as of more value in promotion than home or colonial service?—Not that I am aware of.

194. Were not six military officers appointed to consider that question?—Not that I am aware of.

195. *Chairman.*] Was not there a memorial from the Crimean surgeons upon that or some other subject?—Yes.

196. Will you be so good as to put it in?—I do not know whether I have it. It was referred to me by Lord Panmure.

197. Will you put in a copy of the reference from Lord Panmure, and your reply to it?—Those are with Lord Panmure.

198. Sir *J. Trollope.*] Has there not been such a memorial of surgeons referred to you, submitting that promotion for service in the field should not count for more than home and colonial duty?—That has been submitted to me, but the former question spoke of a Board of six officers.

199. Do you state that no such inquiry ever took place by a Board of six officers?—Yes, so far as I know.

200. Was any opinion ever given upon that question as to what should be the rule for promotion in that respect?—I gave an opinion individually.

201. What was the opinion you gave; was it that service in the field should count, or that it should not count of more value than home and colonial service?—That is, should not be so counted as a rule. But with reference to the remark you have made, I may state, that the subject was submitted to me for me to report upon; and I thought that, as there were perhaps many grievances that medical officers considered they suffered from that might not be known to me, I took the opportunity of asking those medical officers that were available in London, and one or two in Chatham, if they would meet me in the office, and tell me, from experience in the service, what they considered objectionable as regarded the medical department. That is the only thing that I know of.

202. Were those gentlemen, those that you consulted, Dr. Dumbreck, Dr. Forrest, Dr. Dartnell, Dr. Hume, Dr. Parry, and Dr. Francis Reid?—Yes, with the exception of Dr. Forrest and Dr. Parry.

203. Those are the six gentlemen that you consulted?—These were four of them, but I think there were as many more.

204. Did they coincide in opinion with you that service in the field should not count for more than home or colonial service; that, in fact, seniority should be the rule for promotion, and not service in the field?—I think they coincided with me, as far as I recollect; and certainly the majority were of opinion that service in the field ought not to count beyond home service, for this plain reason: that if service in the field was to count for more, the officers that were retained in England against their will (for every man was anxious to go with the army) would suffer in consequence of having been retained much more than was fair to them; and then, in the next place (all of which you will see stated in the documents that have been asked for), an officer that has undergone an exposure to three or four terrific epidemics in the West Indies has encountered a great deal more risk of life than an officer who is serving out in the field in the Crimea; and if the officer serving in the field in the Crimea was to be allowed three years for one, and the officer in the West Indies, who was more exposed than the one in the Crimea, was to get only two, it would be an act of injustice.

205. Is it not the fact that some of the gentlemen you have named were ordered out, and they sent in medical certificates that they were not fit to go; I especially allude to Dr. Dumbreck, Dr. Forrest, and Dr. Dartnell: were not those three gentlemen ordered out again to the Crimea, and did each of them get a medical certificate that they were not fit for the service?—Dr. Dumbreck was examined by a Medical Board, and that Medical Board, for manifest reasons, saw that he was unfit. Dr. Forrest in the same way; and as regards Dr. Dartnell, he had never been in the Crimea. He was the principal medical officer at Chatham; and it would not have been for the good of the service

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to have removed a man who knew the service at Chatham, at a time when hundreds and thousands of sick would be coming home that would require all his exertions.

206. You considered that his services would be of more value at home?—Yes; he being at home engaged in a particular service, I should have considered that I should have done an act of injustice to the public service if I had taken him away.

207. Colonel *North.*] I suppose you would not think it advisable to hold out any great premium for personal gallantry to be displayed on the part of a surgeon in the field in going up to the assault, or anything of that sort, because you do not wish him to expose himself more than is necessary?—I would hold out no premium to a medical man to do more than was his duty. If it was his duty to go to the assault, then if he showed remarkable gallantry in doing so, it should be noticed.

208. But to unnecessarily expose himself would be by no means desirable, because his duty was to look after those whose duty it was to expose themselves more than he ought to do?—Decidedly, because if he was killed, there would be nobody to attend to the wounded.

209. But with regard to the conduct of that surgeon who distinguished himself by his humanity and by his bravery by remaining on the field at great personal risk to attend to the wounded, do you not consider that if Mr. Thomson had lived there was no reward that you could have given that would have been too great for such conduct as he displayed upon that occasion, and that in so rewarding him there would have been no unfairness towards others?—I do not know about that, because he merely executed the duty for which he was detailed. Many others would have done the same.

210. Sir *J. Trollope.*] Was not he a volunteer?—No, he was detailed for the duty.

211. Mr. *Bellew.*] Did not he volunteer to stay behind to take care of the Russians?—No, I think he was told off by the Adjutant-general and by Dr. Dumbreck to take that charge.

212. *Chairman.*] Do you consider that the Commander-in-Chief abroad has the same powers over the medical men as the Commander-in-Chief here at home has; what is the power of censure, for instance?—His power is unlimited, except by responsibility.

213. Were there many medical officers in General Orders for censure?—I do not know of any officers being censured in General Orders. The department, as a body, was censured for the acts of one or two individuals. The only instance that I recollect of any officer being named was on an occasion when the department was censured. It was on there being some delay in embarking sick men at Balaklava, on board some vessel, in consequence of the absence of one medical officer; and Mr. Dumbreck was on one occasion mentioned as having erred in not giving his orders in writing.

214. Was not there another officer censured?—Yes; Mr. Lawson.

215. Mr. Lawson was censured in the General Orders?—Yes, he was censured in the General Orders.

216. Sir *J. Trollope.*] Was not Dr. Dumbreck censured also in General Orders?—So far as that he was told that he was in future to give his orders in writing, instead of verbally.

217. *Chairman.*] What was Dr. Lawson censured for?—He was said to have been apathetic and careless in the discharge of some of his duties as principal medical officer at Balaklava.

218. Would you consider a censure like that a hinderance to further promotion?—Decidedly not, if his conduct in future showed that he had not laid himself open to censure afterwards. I am now assuming that he was guilty. I am not saying that he was guilty; but only assuming that he was.

219. You would not consider that the circumstance of his being named unfavourably by the Commander-in-Chief was any bar to his subsequent promotion?—Decidedly not, unless there was no improvement afterwards. I am assuming that the Commander-in-Chief blamed him properly.

220. Would you constitute yourself, upon the question of the promotion of this man, a court of appeal from the decision of the Commander-in-Chief?—If an opportunity occurred, and I thought it was proper to recommend Dr. Lawson for promotion, I would state in detail, for the consideration of the Commander-

A. Smith, Esq., M. D.

1 May 1856.

in-Chief, the grounds upon which I recommended him, which is different from what I generally do; but in this case, he having been censured by the Commander-in Chief in the Crimea, I would state the details, and let the Commander-in-Chief decide whether I was right or wrong.

221. You would call the Commander-in-Chief's attention to the censure of the Commander-in-Chief abroad?—Yes. I would state that he had been censured, and what his conduct had been since, and what my opinion was of him.

222. Would you consider that any length of time was necessary in order to show a course of conduct which differed from that which had brought upon him the censure of the Commander-in-Chief?—No. It would depend upon the man himself. One man might in a week show that he was perfectly competent, and a perfectly proper person; and another man might not do it in 12 months or two years; I would require evidence.

223. Sir *J. Trollope.*] Are you aware that in the Report of Commissioners Maxwell and Cumming, unfavourable mention is made of Dr. Hall, the head of the Medical Department?—No, I do not think it is so.

224. Have you read the Report?—I have.

225. Is there no mention made of Dr. Hall?—There is no direct mention made. There are observations made to the effect that Dr. Hall had not displayed all the foresight that he might have done; but there is no direct observation against Dr. Hall.

226. Is not Dr. Hall censured in General Orders?—All that appeared in General Orders about Dr. Hall was in reference to the subject at Balaklava. The Commander-in-Chief said further, that he could not quite acquit Dr. Hall.

227. Do you consider that a censure or not?—I should say that it was a censure; it was a sort of indirect censure.

228. *Chairman.*] How soon after that censure on Dr. Lawson was he promoted to the command of the General Hospital at Scutari?—Dr. Lawson was ordered by the Commander-in-Chief, after he had censured him, to be removed to a division of the army in the field, where he certainly had as arduous and important duties to perform as at Balaklava, and he remained at Balaklava for a certain time; and then by General Orders he was sent down to Scutari.

229. By Lord Raglan's order?—Yes.

230. That was by Lord Raglan's own order, not by an order at home?—No; I never interfered in any such matters. I sent persons out there for the work, and it was for the authorities out there to distribute them in detail.

231. Are there documents in existence to prove that Lord Raglan ordered Dr. Lawson to a division of the army, and that he subsequently ordered him to the barrack hospital at Scutari?—I think there are.

232. Do you think there will be any difficulty in producing them?—No. The General Orders are printed.

233. Sir *J. Trollope.*] Do you recommend the medical officers for promotion and for honours in consequence of their services?—Yes.

234. Did you recommend that Dr. Hall should have the Order of the Bath?—Decidedly.

235. Did you recommend Dr. Dumbreck also to have the Companionship of the Bath?—I submitted his name.

236. After they had been censured in Public Orders?—Yes; because I exercised my own judgment as to how far they were blameable.

237. Do you consider your judgment superior to that of the Commander-in-Chief, who was on the spot?—No.

238. But you superseded that judgment by your recommendation of those gentlemen for promotion and honours afterwards?—I do not think there was anything in the Commander-in-Chief's observation with regard to Dr. Dumbreck that could be considered a censure. The Commander-in-Chief might have thought that Dr. Dumbreck ought to have given written orders instead of verbal. Dr. Dumbreck was riding about on horseback at the time; and I suspect that throughout the whole army there were a great number of verbal orders given. I do not conceive that Dr. Dumbreck did anything else but what almost every officer in the army did.

239. With reference to Dr. Lawson being appointed to Scutari by Lord Raglan, did not that appointment go through the principal medical officer?—Yes, but subject to Lord Raglan's approval.

240. Mr. *Legh.*] Do I understand you rightly, that supposing an officer to have

have been censured by the Commander-in-Chief, if you afterwards considered him competent, you would not consider it improper to recommend him for promotion?—Yes. I think that practice prevails in the army as well as in the medical department.

241. Sir *H. Davie.*] Your answer would imply that it would depend upon the nature and extent of the censure?—Exactly.

242. Mr. *Legh.*] Supposing the Commander-in-Chief has reason to censure a medical officer, and that the censure takes effect, should you afterwards, because you think him competent yourself, think it proper to recommend him for promotion?—Yes.

243. Your idea of his competency would be quite sufficient to supersede the censure under which he was labouring?—I think so; I think it would not be fair to keep him for life without promotion, unless it was specified in the General Order that he had been guilty of such an act of impropriety as should render him ever afterwards ineligible for promotion. Upon the same principle, at Chatham, where I was the principal medical officer, I might find an officer neglectful in some important duty, and perhaps I might find 10 in the course of a twelvemonth, and I might censure them in departmental orders, but I would never think that it was a bar to their promotion for ever afterwards; otherwise I would never have put the order in; I would have felt that I would have been guilty of such an act of injustice to the offenders as would have prevented me from putting the orders in, if it was to have a consequence of that kind.

244. I understood you to say, that you should observe the officer's conduct for a short time afterwards; and I wanted to know whether if, from your observation of his conduct, you considered him competent, you would recommend him for promotion?—Yes, unless the order stated in very decided terms, that there was really very great cause for being dissatisfied with him. If it was simply a trifling thing, as, for instance, in the case of Dr. Hall, where Lord Raglan said that, "further, he could not acquit Dr. Hall," I do not think that would be a justification after twelve months' service. But Dr. Hall was recommended from the Crimea, and got his honours, I suspect, not solely from any recommendation of mine; I would not think that I was justified in considering Dr. Hall not entitled to his honours merely because the Commander-in-Chief at one time said, "further, he could not quite acquit Dr. Hall."

245. *Chairman.*] It would depend in some degree upon what the nature of the censure was?—Yes.

246. Do you remember what it was in the case of Dr. Lawson?—I never exactly knew what Dr. Lawson was censured for. It was said that he was apathetic, and heedless of contributing to the welfare of the men embarking.

247. Would not you reckon that a grave charge?—I would reckon that a grave charge if it had been proved; but Dr. Lawson has a different character to that during a long service.

248. But that amounts to saying that Lord Raglan put in General Orders that which could not be proved?—It depends upon what one considers apathetic. Dr. Lawson, from the little I know of him, is a cold man; such a man as would look apathetic, when he was really, perhaps, more anxious than a man who was more vigorous and more active in what he was doing.

249. Then it amounts to this, that Lord Raglan had one opinion and you another?—I must admit that Lord Raglan having found him guilty he must have had grounds for it in his own mind. My own idea at the time, from what I knew of Dr. Lawson, was to write to Lord Raglan; because Lord Raglan had always treated me kindly and considerately; and I intended to have stated to Lord Raglan in reference to Dr. Lawson, what I knew of him, and see whether anything could be done to withdraw the order. But time went on, and it became too late, and I did not do it.

250. But the whole thing will be simplified if we have the papers, which show that Lord Raglan subsequently appointed Dr. Lawson to a division in the field; and you can supply those papers to the Committee?—I think I have those papers.

251. Mr. *L. Gower.*] Are you in the habit of accepting the facts stated in the censure as true, or do you further inquire into them from your own sources of information?—I inquire; I tried to inquire in that instance, but I could not get information; I asked for the proceedings of the Court of Inquiry, but I could not get them.

A. Smith, Esq. M. D.

1 May 1856.

252. Then you do not accept the statement in the censure as evidence of the truth of the allegations?—I do not think I am bound literally to accept it. I think I have a right, as the head of the department, to inquire into the conduct of my department; and if medical officers have been severely censured, I ought to try to find out why. I may be permitted to form my own judgment. At the same time I must yield, according to military law, to the judgment of the superior military authority.

253. I suppose the grounds of the censure are always put in the order?—Yes, regularly.

254. Sir *H. Davie.*] Do I rightly understand, that you had nothing to do with the promotion or removal of Dr. Lawson?—Nothing at all. Dr. Lawson was promoted before that.

255. But after his censure he was removed to other places, and you were not cognizant of the fact; in fact, you had nothing to do with his removal?—I was cognizant of the fact, inasmuch as I saw the returns, but I had nothing to do with it.

256. *Chairman.*] You had nothing to do with the removal of Dr. Lawson to the very important post of the General Hospital at Scutari?—No; I had nothing to do with that, nor with any movement in the Crimea.

257. Colonel *Boldero.*] You stated that you sent out medical men equal to the performance of the duties, and that after that you never interfered with their duties or with their promotion?—I never interfered with their duties because I could not judge what special duties they ought to be appointed to so well as the senior medical officer on the spot. And if I was to write to him and say, send so and so to such a place, it would only trammel him, and he might in consequence send a man who would not be so fit as another that he might send.

258. But so far as promotion is concerned you exercise a control over the Army Medical Department in the East just as much as you do at home?—With reference to promotion, if the Commander-in-Chief in the Crimea and the principal medical officer recommends any man for special promotion, I never question that recommendation, but send it on to Lord Hardinge. If the principal medical officer in the Crimea reports to me the death of a staff surgeon of the first class, I take the next man and recommend him for promotion, unless the principal medical officer out there had specially recommended some other person.

259. You selected Dr. Burrell in the first instance to go out; a man of about your own age and experience, and one, I suppose, in whom you had great confidence; and yet you removed him yourself afterwards, without any complaints being made against him?—I did; because the strength of the army increased beyond the charge of a deputy inspector.

260. *Chairman.*] It is a matter of rule?—Yes; just as you put a colonel in a certain command, to command a certain number of troops; but if you increase the number of troops tenfold you put a major-general.

261. Sir *H. Davie.*] For so large an army you must have an inspector-general?—Yes.

262. Colonel *Boldero.*] Did you bring Dr. Burrell home at that time?—I told Dr. Burrell what was necessary to be done, and I said, "You will be the second medical officer out there; but if you do not like that, I am prepared to send you to one of the Presidencies in India." I offered to send him to what was the best station I could send him, to make up for the disappointment.

263. *Chairman.*] When you appointed Dr. Burrell you were not aware that the army would be so much increased?—I understood that 10,000 would be stationed at Malta as an army of observation. That was the charge of a deputy inspector. But when I learned that it was to be increased to 25,000, my bounden duty was to appoint an inspector-general.

264. Then the grievance of Dr. Burrell is, that he thinks he ought not to have gone on in a junior capacity, but to have been promoted?—To have been promoted again. He was promoted to take the charge of 10,000. When they were increased to a charge of 25,000, he thought he ought to have been promoted again, I suppose.

265. But the interval was not sufficient to allow of the second promotion?—The interval was not sufficient; besides that, Dr. Hall was senior to Dr. Burrell, and I was bound to take Dr. Hall unless there was anything against him.

266. But

A. Smith, Esq., M. D.

1 May 1856.

266. But you had a discretion; there was no actual law?—Nothing beyond the usage of the service, which I always observe, if it is not at variance with the good of the service. Dr. Hall had been through the war at the Cape of Good Hope, and had seen a good deal there; he had then been in India, and there had seen something more; and I looked upon Dr. Hall as having experience beyond Dr. Burrell, who had not been in a position of that kind. That was one reason. The other reason was, that Dr. Hall was a deputy inspector at the time when Dr. Burrell was a staff surgeon of the first class. Therefore Dr. Hall was the proper person to appoint inspector-general, before anybody else was appointed inspector-general.

267. Mr. *Bellew.*] You say that Dr. Burrell left Malta to go to the East with the knowledge that he was to be superseded?—Yes.

268. *Chairman.*] That he had in writing from you?—That he had in writing from me. I had an angry letter from him about it. At the same time I wrote to him that he would of necessity be superseded; I offered to recommend him to be sent to Bombay, which was vacant then, and to which every officer in the department aspired. I offered him that to sooth his feelings, if they were a little ruffled, by finding that I had to appoint an inspector-general for the army in the East.

269. Although it might have ruffled his feelings, it could not have taken him by surprise, inasmuch as he had had it in your own handwriting before?—Yes.

270. Colonel *North.*] What has become of Dr. Burrell?—He is on half-pay. He insisted upon being put upon half-pay.

271. Sir *J. Trollope.*] Was the place that you offered to him the one vacated by Dr. Hall?—Yes.

272. An exchange made from Turkey to India?—Yes; I offered Dr. Burrell a situation that would have brought him nearly three times the emolument he would have had had he remained with the Army.

273. Did Dr. Burrell positively refuse?—He did.

274. Was it in consequence of his feelings being hurt?—From his temper being then a little excited.

275. A feeling that would be generally prevalent in the profession in such a case?—No, I think not.

Lunæ, 5° die Maii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Sir Henry Davie.
Colonel North.	Colonel Boldero.
Sir John Trollope.	Mr. Cornwall Legh.
Sir John Hanmer.	Mr. Leveson Gower.
Mr. Bellew	Mr. Noel.
Colonel Kingscote.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

Andrew Smith, Esq., M.D., called in; and further Examined.

A. Smith, Esq., M. D.

5 May 1856.

Vide Appendix.

276. *Chairman.*] HAVE you the papers which you were requested to produce?—These are the papers that I was requested on Friday to put in (*producing the same*). I may mention, that I was asked for a copy of the General Order appointing Dr. Lawson to a division in the field. There was no General Order appointing him to the division in the field that I can find. There was a General Order to remove him from Balaklava, and then, of course, the arrangement which took place appointing him to the second division, to which he was appointed, would be an arrangement between Lord Raglan and Dr. Hall.

A. Smith, Esq., M. D.

5 May 1856.

I have only the General Order removing him from Balaklava, which I will hand in.

[*The same was delivered in, and read, as follows*:]

EXTRACT from General Order, dated Head Quarters, before Sebastopol, 13 December 1854.

THE Inspector-general of Hospitals will take immediate steps to relieve Dr. Lawson from his present charge.

277. Will you have the goodness to read the whole of the General Order in which that is contained?

[*The same was read, as follows*:]

GENERAL ORDERS.

Head Quarters, before Sebastopol,
13 December 1854.

No. 1.—IT having been represented to the Commander of the Forces that the 297 sick and wounded on board the steam-ship "Avon," under orders to proceed to Scutari, had not received that care and attention to which they were entitled, the Commander of the Forces directed a Court of Inquiry to meet on board that ship on Saturday, the 2d December.

The Court, of which Colonel Cameron, of the 42d Highlanders, was President, after making a personal inspection of the ship, and receiving evidence, has made its Report to the Commander of the Forces.

The Report takes notice of several deficiencies, which, in the opinion of the Court, might with due care have been remedied.

The Report particularly draws the attention of the Commander of the Forces to the want of a sufficient number of medical men and hospital attendants for the service of the sick and wounded on board.

The Report further states that this deficiency of medical men and attendants was known to Dr. Lawson, the principal medical officer at Balaklava, but that he took no steps to have it supplied.

In this opinion, after a careful perusal of the evidence, the Commander of the Forces fully concurs.

Lord Raglan has seen with pain and sorrow the apathy and want of interest which Dr. Lawson exhibited, as appears by the evidence with respect both to the due care, and the sufficient supply of what was requisite for the comfort and well-doing of the suffering men who were to be placed on board the "Avon," and he is compelled to visit such conduct with the severest censure.

The Inspector-General of Hospitals will take immediate steps to relieve Dr. Lawson from his present charge.

The Commander of the Forces is unable to exonerate Dr. Hall, the Inspector-General of Hospitals, from all blame in this matter; as it was his duty, either by personal inspection or by the reports of his subordinates, to have ascertained that the ship was furnished with everything necessary for the comfort of the many sick and wounded on board, which the public service could by any possibility afford.

278. What is the next document you put in with regard to Dr. Lawson?—I put in no more documents relating to Dr. Lawson, because I have not a copy of the document ordering him to Scutari, but as a matter of course, he must have been ordered by General Orders to Scutari.

279. Will they not be in the book of General Orders?—No; that book professes to be merely a selection.

280. But Dr. Lawson could not have gone from Balaklava to Scutari without some official document ordering him to do so?—Not without Lord Raglan's order.

281. Where is Lord Raglan's order?—In the Crimea.

282. Is not it communicated to you?—No.

283. Shall not we find it at the Horse Guards?—No, I think not; I do not think it will be got but by applying to the Crimea. The orders were issued in the usual way, and Colonel Gordon made a selection of the orders that were published there.

284. Are we to understand that this case is to be taken as an illustration of the working of the present system, that Dr. Lawson is, in the document you have put in, visited with the severest censure by the Commander-in-Chief, and dismissed from his present duties, and that the next we find of him is, that he is put at the head of the General Hospital at Scutari?—No. The order is issued by the General Commanding-in-Chief to remove Dr. Lawson from his present charge, namely, his charge at Balaklava. He is removed from that to the second division in the field.

285. Can

285. Can you put in the document showing that order?—I have no document to put in, but I have been informed that it was so.

286. It appears that this officer, who was visited with the severest censure by the Commander-in-Chief, is at present the principal medical officer at Scutari; and we want you to put in the documents showing how he got there?—I must remark again that he is not the principal medical officer at Scutari; he is a subordinate in the hospital; he was ordered by Lord Raglan to be relieved from his present charge.

287. There are three principal medical officers at Scutari; there is the chief medical officer of the barrack hospital, and the chief medical officer of the General Hospital; and there is the principal medical officer over both, which latter position was formerly occupied by Dr. Cumming?—Yes.

288. Dr. Lawson is the principal medical officer of the General Hospital?—Of a division of the hospital, subject to the instructions and orders of Dr. Linton.

289. He is not at the head of all things in the hospital?—No.

290. Mr. *Bellew.*] Was he ever?—He was for a few days, when Dr. Forrest was suddenly taken away.

291. *Chairman.*] I want you to trace Dr. Lawson from this censure to the Light Division, and from the Light Division to the hospital at Scutari?—I only relate what I know of the case, namely, that he was removed from his charge at Balaklava and ordered to join, I believe, the second division of the army; at that time he was taken ill, I believe, with intermittent fever; he was not able to join for some time, and before he was sufficiently recovered to join the second division, he was ordered down to Scutari for duty there; as to how those orders were given I know nothing. I do not know the details of what took place out there, nor is it considered necessary that I should. Lord Raglan did not communicate to the Commander-in-Chief when he moved a regiment or when he moved a brigade. In the same way Dr. Hall does not communicate to me that he removes one of the officers serving under him from this place to that place; incidentally I learn it; but I first learned it distinctly from the Scutari Return, in which I saw him put down as a deputy inspector of hospitals doing duty at Scutari; further than that I can state nothing.

292. But there must be documents in existence somewhere upon the subject?—There must be documents showing the General Orders issued from time to time, which include every thing that was done; but those documents have not been all copied into Colonel Gordon's publication.

293. Are not the arrangements of the hospital system such that upon Dr. Lawson coming to the hospital, he being senior to those who were there, he would of necessity, or almost of necessity, according to routine, take the command?—But he was not senior; Dr. Forrest was senior to him. Dr. Forrest was the principal medical officer at Scutari at that time. When Dr. Forrest was taken ill and went away, Dr. Lawson was for a few days senior till Dr. Cumming joined.

294. But if Dr. Lawson went to the General Hospital at Scutari, and was there senior to the officer in command of that General Hospital, he would, according to the routine of the service, take the command out of his hands?—Clearly.

295. Therefore Dr. Hall knew, when he sent down Dr. Lawson to Scutari, that according to the arrangements in the medical service, he would supersede the person there at that time?—If he was senior to him; but Dr. Forrest was the principal medical officer there, and therefore Dr. Lawson became merely a working officer.

296. Was Dr. Forrest then occupying the position that Dr. Cumming had occupied?—No.

297. But under Dr. Forrest or Dr. Cumming; the two men who had the most important charges were the two who had the one the General and the other the Barrack Hospital?—Yes.

298. And Dr. Hall, when he sent down Dr. Lawson to Scutari, knew that he would occupy the position of principal medical officer at the General Hospital?—He knew that he would occupy some duty. I do not suppose that Dr. Hall, when he sent him down, would have told him what duty he was to do. I suppose he would leave that to the principal medical officer there. It did not at all follow that Dr. Forrest, when Dr. Lawson arrived there, would put him in

A. Smith, Esq., M.D.

5 May 1856.

charge of the General Hospital. He might have put him in charge of the Barrack Hospital, or in charge of an hospital called Hyder Pacha's, or something of that kind. Dr. Hall could not know what duties Dr. Forrest would assign to Dr. Lawson.

299. Dr. Forrest had full power to appoint him to the General Hospital at Scutari?—To any duties he liked to put him to.

300. But you have no official document with regard to this charge; the last thing that you officially know of Dr. Lawson is, that he was severely censured by the Commander-in-Chief?—Yes; and ordered to be removed from his present charge.

301. Mr. *L. Gower.*] How came you into the possession of that document, if such documents are not habitually sent to you?—This being a special case, I suppose that Dr. Hall sent it to me on that account.

302. But he is not in the habit of sending such documents to you?—No, not regularly.

303. Sir *J. Trollope.*] Did you receive a copy of Lord Raglan's censure of Dr. Lawson?—I received nothing but this. I asked to be allowed to read the proceedings of the Court of Inquiry, and I was told they were not in this country.

304. Had you any power over the hospitals in Constantinople, as to confirming or disapproving the appointment of medical officers there?—Most decidedly not. Lord Raglan had the sole power.

305. You were not consulted in any way about Dr. Lawson's appointment to the hospital at Scutari?—In no way.

306. You are in no way responsible for it?—In no way responsible.

307. Sir *H. Davie.*] I understand you to say that Dr. Lawson was sent by Dr. Hall to Scutari?—I presume he was sent by Dr. Hall, because Dr. Hall necessarily must have concurred in his being sent. Lord Raglan would not have sent him without Dr. Hall concurring; but Dr. Hall could not send him to Scutari. Dr. Hall had not authority to remove an officer from the Crimea to Scutari without its being approved, and probably put in General Orders by Lord Raglan.

308. Is not it singular that so important a move should not have appeared in any of the General Orders?—I presume that it was in the General Orders; but I have no copy of those General Orders; everything came out in orders, such as that, from time to time; but they were not sent to me except upon a special case.

309. Mr. *Noel.*] Do not you think, that in an extraordinary case of that sort the Order ought to have been sent to you?—Perhaps Dr. Hall did not consider it necessary to send to me the second move.

310. Sir *J. Trollope.*] Did you originally appoint Dr. Lawson to the army of the East?—Yes.

311. In what capacity?—As staff-surgeon of the first class.

312. Was he in active employment before going out to the East?—He was in active employment upon the West Coast of Africa, and was recommended to me in the strongest terms from the West Coast of Africa, and the Governor strongly urged that he should not be removed from that service on account of his value at that station. Still I found that I was pressed for officers, that I had not a sufficient number to send to the East; and Dr. Lawson having himself asked to be sent hence, I felt that I had no excuse for not sending him to the East.

313. Did he proceed direct from the Coast of Africa to the East?—No, he was on leave in this country at the time.

314. How long had he been at home?—Perhaps four or five months.

315. Then you did not withdraw him from the coast of Africa for that purpose?—No, I did not; he was on leave at home.

316. Sir *H. Davie.*] Can you inform the Committee what length of time elapsed between the censure that was passed upon Dr. Lawson and the time at which he was appointed to Scutari?—I cannot charge my memory with that.

317. Two or three months?—Probably it may have been two months, but I am not certain.

318. During that time are you aware of any endeavours being made to remove the unfavourable impression that existed in Lord Raglan's mind with regard to him?—I am not aware.

319. You did not make any movement yourself in his favour?—No; as I mentioned on Thursday, having heard so much of Dr. Lawson's superiority in every

every respect, I felt inclined at that time to have written to Lord Raglan, to tell him all I knew about Dr. Lawson; but I was so pressed with official work that the time passed by, till I found it was too late, and that he had left and gone to Scutari. I do not hesitate to say that I thought when he was sent down to Scutari, that perhaps his Lordship had made further inquiries into the case, and that he had sent him down as a sort of compensation, perhaps believing that he had been rather severe upon Dr. Lawson. That was my impression; but I cannot say that that was the fact.

320. Colonel *Boldero.*] Do you think that Dr. Lawson's appointment to Scutari was made with the sanction and knowledge of Lord Raglan or not?—It must have been, because no other authority could have sent him from the Crimea but Lord Raglan; Dr. Hall could not send an officer of that rank away from the Crimea without sanction.

321. Then Dr. Lawson must have taken some steps to endeavour to remove from the mind of Lord Raglan the unfavourable impression which he had of him?—I think it is very likely, but I cannot say that he did so.

322. Mr. *Bellew.*] You still possess confidence in Dr. Lawson's abilities and humanity in performing his duty as a medical man?—I have no doubt of both; as to his abilities, no person, I believe, can doubt that he has very superior abilities; and as regards the execution of his duties, everything that I have heard is highly creditable to him.

323. Always excepting that one case which was the subject of the General Order?—Excepting that one case, of course.

324. Colonel *North.*] With regard to a medical officer who misconducts himself, is the utmost that can be done to him the placing him upon half-pay; or can he be removed from the service altogether if his conduct has been very gross?—He can be removed by the will of Her Majesty.

325. Suppose a surgeon was reported to you as having grossly misconducted himself, as to the treatment of the soldiers in the hospital, have you any power to get rid of him altogether, or is the utmost punishment that can be inflicted upon him for that sort of thing, to place him upon half-pay?—He would be brought before a court-martial for that.

326. How could a military body be able to judge of the medical treatment of the men; for instance, suppose a surgeon is reported to you as having treated the sick body?—That is another thing.

327. Is the utmost that you have the power to do, to recommend him to be placed upon half pay; could not he be dismissed altogether without being placed as a burden upon the public?—I think he might be dismissed in such a case altogether; that is to say, a Medical Court of Inquiry would be called to take the case into consideration; and if it was a manifest one that did not admit of a difference of opinion, because in many cases one medical man may consider the treatment right and another wrong, but if the case was a decided one, and there could be no question that the treatment was incorrect, and highly incorrect, and that the man was incapable of correctly treating disease, I think the Director-general in such a case would be authorised in reporting to the Commander-in-Chief that he was a person who should be struck out of the service.

328. *Chairman.*] Has that ever been done in your experience?—Not in my experience. I do not recollect any case of the kind.

329. You have suffered men to retire?—Yes. I have never known any case so bad as to warrant dismissal. There have been men brought before court-martials, but I have known no case of a medical officer in the army being considered so deficient in professional knowledge as to justify his dismissal without trial.

330. Colonel *North.*] I did not mean deficient in knowledge, but grossly negligent?—Then he would be brought before a court-martial, and the neglect of the sick would be proved against him.

331. Sir *J. Trollope.*] Have you received a copy of a memorial of the surgeons serving in the Army of the East forwarded to the Secretary for War?—I did about six months ago receive such a memorial.

332. Were you required to draw up an answer to it?—I was.

333. Did you return such an answer?—I did.

334. To whom?—To the Secretary of State for War.

335. Has that answer ever been printed and published?—No, not that I am aware of.

A. Smith, Esq., M. D.

5 May 1856.

336. Has the answer been sent to the memorialists in the form in which you drew it up?—I cannot say; I do not know.

337. Have you also received a copy of a memorial addressed, I believe, to the Secretary for War from the assistant surgeons?—I have.

338. Did you draw up an answer to it?—I did. When I say that I did I should explain, that Dr. Hall submitted the Assistant Surgeons' Memorial to me, and asked me, if I approved of it, to send it on to Lord Panmure. I did not approve of it. I felt that if I sent it on to Lord Panmure, the Minister for War, and the Minister for War conceded to them what they asked for, they would have been seriously injured; I therefore declined sending it on, and returned it to Dr. Hall, under the idea that the assistant surgeons would associate themselves with the surgeons who were then drawing up a memorial, and that the surgeons, from their longer experience of the service, would probably guide the younger men who, most of them, were not of above eight, 10, 12 or 18 months' service, to ask for things that would be reasonable and likely to be obtained, and things also that would be advantageous to themselves.

339. In consequence of that recommendation to Dr. Hall, was a second memorial addressed to the authorities at home from the assistant surgeons?—I cannot say.

340. Have you ever seen a second memorial?—No, I have not.

341. You are not aware that such an one has been sent home, and an answer returned to it by the Secretary for the War Department?—I am not. An answer was returned to the original memorial by the War Department, because when the matter was agitated I was asked whether I had received such a memorial from the assistant surgeons. I said that I had; and was asked to state my reasons for not forwarding it. I then stated to the Minister for War my reasons why I had not sent it on, the reasons which I stated before, namely, that if the assistant surgeons had obtained what they wanted, it would have been a most serious disadvantage to themselves. After this, the Minister for War, who I believe had received a copy of the memorial, sent a reply.

342. *Chairman.*] With respect to the confidential reports of which you spoke in your former examination; are you able to state any differences which exist between the confidential reports made to you, and the confidenial reports made with regard to the competency of officers to the War Office?—I cannot say that I know what the confidential reports are which are made to the War Office.

343. Do you ever communiate to the individual implicated the confidential reports made to you?—No, I do not, as a rule. As I stated on Thursday, if an officer was to complain to me that he was suffering seriously in consequence of some reason or other in a way that he did not think he deserved to suffer, and if he claimed consideration or advancement, I would consider it then my duty to tell him why he was suffering. But I do not make it a rule to communicate the confidential reports.

344. In short, you make it a rule not to communicate them?—I make it a rule not to communicate them. I do it only as an exception.

345. The confidential reports made to you relating in many instances to technical and scientific points, may be of a very delicate nature, and may have reference to questions very difficult of decision; they may refer to the treatment of disease; they may refer to the manipulation of the knife; they may refer to questions which are very much disputed in the faculty itself, may they not?—They may; and they may also refer to the state in which he keeps his books and his hospital, and the discipline he maintains in the hospital; and a great variety of other points.

346. But all those are quite confidential?—They are understood to be confidential; but at the same time they are understood to guide the individual to whom they are addressed.

347. In the selection for promotion?—In the selection for promotion, and in the selection for encouragement or consideration of any kind.

348. Then, of course, if the Director-general belongs to one school of medicine, or espouses one particular course of treatment for particular diseases, and an individual in the service adopts another, of course the confidential reports would be against him, and would be so taken by the Director-general for the time being, who might have solely to decide upon his promotion?—No; I should not arrogate to myself the right of deciding what is the best treatment. I am principally

cipally guided by success. If a treatment was adopted by an individual that was not generally approved, and if besides there were proof that the treatment was not successful, I should consider that, in such a case, evidence that the man was either partial to an obsolete and not generally recognised good mode of treatment, or that he might be considered not a very liberal man in his profession or doing justice to the sick under his care.

349. What is the "success" in treating patients?—That is comparative. In ordinary inflammatory disease the success is generally great, if the case is properly treated; but if you find that a man has a whim of his own, and says, I will not use such and such a remedy, a remedy which is generally used by the profession, and the consequence is, that out of nine inflammatory diseases he loses two, and all other medical men who use the treatment that is generally recommended by the profession do not lose one, or perhaps only lose one, I should come to the conclusion that the treatment adopted by that man who had a particular crotchet was not so good a treatment as the other; and that this man, if he were anxious for the good of the sick, would say, I will give up my practice, for it is not so successful as the other.

350. You compare one hospital with another?—Yes.

351. Do you take into consideration, or can you possibly take into consideration, the different circumstances of the different hospitals?—The principal medical officers who send the reports to me are the persons to do that.

352. If you have to compare Hospital A. and Hospital B., with reference to the treatment of certain diseases in both, you may find the whole per-centage of deaths in B. larger than the per-centage in A., but may there not be peculiar circumstances in operation at hospital A. which may thwart the skill of the surgeon?—But those circumstances are known. At the same time, I must say that one does not descend into particulars so minutely as that; it is the general conduct of the officer, and his general efficiency as a medical officer, that is recorded in the confidential reports. If there is anything very extraordinary in his mode of treatment, that would be brought under notice; but that occurs so rarely that I do not recollect any instance of it in my time.

353. Take this case for illustration. In the first Return laid before the House of Commons with regard to the sick in the Smyrna hospital, the per-centage of deaths was something about 30, which was a much larger per-centage than existed at the same time even in Scutari. But another Return showed that of those deaths, at least eight out of eleven were of patients who died within two hours after landing; thereby showing that the deaths were owing to the longer sea voyage, not to the treatment in the hospital; does not such a case as that show how different your confidential reports must necessarily be from those made to the War Office with regard to the competency of officers, because they embrace many minute scientific points which you and you alone can judge of?—But the principal medical officer who makes those reports takes all those things into consideration, and he gives his own view from his own knowledge of those things.

354. I understand you to say, that if two medical officers report to you with respect to two hospitals, you draw general conclusions from both their Reports, favourable to the one, and unfavourable as to the other, comparing the statistics which have been sent to you from both hospitals?—No, because I know the favourable and unfavourable circumstances of each place. If there is yellow fever prevailing at a place, I expect a great many more deaths from yellow fever than from other diseases. If, again, there is a particularly unhealthy season, we have a greater number of deaths necessarily during that season than we would have in a healthy season.

355. But during the prevalence of the same plague at different hospitals in the same locality, may not different amounts of mortality be clearly traceable to circumstances over which the medical officer has no control, such, for instance, as the particular structure of the hospital?—The principal medical officer, knowing all those things, would report to me accordingly. If the hospital had been in a low pit, where the patients had no chance of recovery, he would not report to me that the officer employed in it was bad, because he lost a great number of patients.

356. At all events he could not compare the number in that hospital with the number in another hospital, over which he had no jurisdiction, and of which he had no knowledge?—Clearly not.

A. Smith, Esq., M. D.

5 May 1856.

357. Therefore, there may be charges brought against medical officers who are perfectly guiltless, but which may stand as bars to their promotion, and which charges they may never hear of?—There might be such, but I do not think there are such.

358. But according to the working of the system there might, because, as you alone are the Court of Appeal, as far as promotion goes, upon those scientific points the charges against those gentlemen would never be known to them, but would be silently operating to their injury when the question of competency and fitness for promotion should come before you?—I think in that case they would be known to them, because I should tell them.

359. When you appoint persons over other people's heads, do you state the reasons to those who may be aggrieved by being so passed over?—If they came to me afterwards, complaining that they had been hardly treated, I should tell them, and have often done so.

360. You would go into the circumstances with them?—I would go into the observations in the Report, and tell them what they had been accused of. I might not go into minute details. If I were to do that under existing circumstances, where confidential reports are required, it would deter the principal officers from making reports, at least those who had not a good deal of moral courage.

361. I understand you to say, that from your experience you would rather have the undivided responsibility, and the final decision resting with yourself, than that it should be shared by a Board?—Decidedly.

362. Mr. *Bellew.*] You think that this system of confidential reports works satisfactorily?—I think it is the best system that has been adopted. I would rather see a better, if there was any possibility of devising a better.

363. But the system works satisfactorily to you, generally?—I think so; I do not think I have injured anybody by having recourse to those confidential reports.

364. Have you found in the confidential reports from medical officers that there has been frequently a great difference and discrepancy between the reports of the principal medical officers relative to the same individual?—In some instances I have found a great difference. In some instances I have found that the principal medical officer in a colony makes all the officers "excellent," and "men of high talent," or something of that kind; and I have found that some of those men have been reported differently when they have been serving on other stations.

365. Are you not of opinion that if for instance young surgeons are sent to foreign stations under a clever and very attentive principal medical officer, they will frequently get on better than if they were under a medical officer who looked after them less carefully?—Clearly if the assistant surgeons are good men, they will get on better in the former case.

366. Is it not possible that the carelessness of a principal medical officer might under those circumstances be bound (so to speak) upon his inferiors, and that the young medical men at the station who, if strictly looked after, would have been good medical officers, may be in consequence unfavourably reported upon by him?—Perhaps they would not get the amount of good report that they ought to get; but then I will mention with reference to that, that I look to all the reports upon men. I never take one principal medical officer's report alone. As I mentioned on Thursday, if promotion is required, I get all the confidential reports upon an officer for the three or four previous years from all quarters of the world where that officer has been serving. I look at one and read it. It is favourable to him. I take the next and read it. That is also favourable. I take the next and read it. That is also favourable. I take perhaps then one from some other station about him. They are all favourable. Then I come to the conclusion that there is nothing against him, and, being the senior, he therefore ought to have promotion. But if I find that three of the reports are against him and one for him, then I have to determine the amount of consideration that ought to be given to the different reports for and against him. The principal medical officers vary, like all other persons, in integrity as well as in capacity. I think I know pretty well the character of the different medical officers, and I would attach more importance to the report of one principal medical officer than I would to that of another. If I found that there was a very unfa-

vourable

vourable report from a man that I had not a very great respect for, and I knew that he was lazy, and that he did not minutely inquire into the circumstances of his department, I would consider that of very little importance as compared with three reports to the contrary from others for whom I had a greater respect.

367. Colonel *North*.] Do not the officers commanding regiments also report to the Commander-in-Chief upon the conduct of the surgeons of their regiments?—Yes.

368. Are those reports sent to you?—Yes, the general officers' reports.

369. Sir *J. Trollope*.] Are you aware that medical officers who have been serving with the army have been specially reported, with approbation, by the Generals of their division, and have found their names omitted afterwards in the public despatches that have been sent home?—I believe there have been such instances.

370. Are you not aware that that has created a considerable feeling of dissatisfaction amongst the meritorious gentlemen who have been so reported?—It has, and I have brought some of them since to the notice of the Commander-in-Chief, and they have been noticed since.

371. Is not that a tardy reparation for having been passed over in public despatches, when the Generals of their own divisions, who had an opportunity of noticing their good conduct, have specially reported them?—It is tardy; but it is the only one open in such cases.

372. Till recently, no honours have been bestowed on medical officers for their conduct in serving with the army in the East?—None, till lately, with the army in the East. Five or six years ago honours were conferred upon the medical department.

373. But none till quite recently have been bestowed upon them for their service with the army in the East?—None.

374. Where those honours have been dispensed, have they been made general, or have they been confined to the heads of departments?—They necessarily have been confined to the ranks upon which the Order of the Bath can be conferred.

375. You stated that some gentlemen have been honoured with decorations who had been censured in public orders; I allude to Dr. Dumbreck for one?—As I mentioned on Thursday, one can scarcely consider the remarks in the General Orders on Dr. Dumbreck to have been a censure.

376. I wish to ask you with respect to another class of reports, namely, the reports made by the medical officers in charge of regiments, whether they have not had very great difficulties in obtaining what they considered necessary for the health and comfort of their men?—It would appear that they had; but those are local matters that I am not intimately acquainted with; my duties are at home in supplying the army.

377. Have you never recommended to the Commander-in-Chief any simplification of the system with respect to those reports and requisitions, namely, that they should not go through so many hands before they are complied with?—Yes, I have.

378. Have your recommendations been carried into effect?—I think so.

379. Should you be surprised to hear of the case of a regimental surgeon who applied for an hospital hut for his regiment in the Crimea in the course of last summer, which was supplied on the 11th of August in an incomplete state, and after numerous requisitions to various parties, was still incomplete in the following December?—It ought not to have been, but I dare say it may have been so.

380. Do not you think that those difficulties in carrying out the medical officers' duties are very inconvenient and detrimental to the public service?—Undoubtedly.

381. In the case I allude to the medical officer applied for a hut in the summer; it was supplied on the 11th of August, but with a large quantity of the boarding incomplete, and it was still incomplete as to the flooring and covering in December; do you not think that the health of the men must have been seriously affected by that state of incompletion, when I tell you that the temperature by Fahrenheit's thermometer was only 12° in the month of December, in consequence of that incomplete state of the hospital hut?—It would be a question whether it was in consequence of that incomplete state of the hut; if it was, it was certainly most objectionable, and ought not to have existed, provided there had been means of completing the hut; that requires to be taken into consideration; had they the

A. Smith, Esq., M. D.

5 May 1856.

means of completing the hut? Every effort ought to have been made to complete the hut at once. When a hut is put up, it ought to be complete in every respect for the sick before they cease to work at it. But many difficulties arose that could not be overcome, and, in consequence, many deficiencies continued long to exist that ought not to have existed, and their very existence must necessarily have prejudiced very much the interests of the sick.

382. I will ask you a question as to a report that was made specially to yourself; did not Dr. Burrell report to you on or about the 8th of May 1854, the amount of necessary matters to be done to render his hospital at Scutari in a sanitary state?—I think he did. I think he told me many things. I am answering a little at random, because that is two years ago, and thousands of things have gone from my mind since then. I think he did state those things; and amongst other things was the privy. I took immediate steps as far as I was concerned here, but it was not exactly a business of mine; it was the local authorities out there that had to manage those things.

383. Was it reported to you after the battle of the Alma, which took place in the September following, that nothing had been done to render that hospital in a sanitary state?—No; they had been doing something. As far as the engineers could work they had been working constantly.

384. You stated in answer to a question from Sir John Trollope, that some of the medical men who had been recommended by the general officers of the divisions in which they served, had not been named in the despatches, and that subsequently you mentioned them favourably?—I subsequently wrote to Lord Hardinge, and communicated what I had learnt; for instance, Lord West, who commanded one of the regiments, sent a very favourable report in reference to a medical officer, or more than one medical officer; I transmitted his letter to Lord Hardinge, and asked whether, as those officers had not appeared in General Orders, I might be permitted to send this letter for publication to the medical periodicals of the day; I did not ask leave to publish them in the ordinary newspapers, because it would have been rather out of place there; I wanted them to appear favourably to the general branch of the profession, and, therefore, restricted the publication to the medical periodicals; and Lord Hardinge, in answer, said something complimentary to those medical officers, and added that I had his authority to do it, and I did so.

385. But the publishing of a eulogy in the pages of a periodical is not at all equal to a favourable mention in General Orders, is it?—But that did not rest with me.

386. Did it rest with Dr. Hall?—Dr. Hall probably did not know anything about those individuals.

387. If they were favourably mentioned by the generals of division, would not that intelligence be carried to Dr. Hall?—It might or it might not. It has never been the practice to introduce medical officers into despatches. During the whole of the Peninsular war, I do not know that the Duke of Wellington ever brought forward the Medical department in his despatches. It was a novelty in the Crimea.

388. Do you think it is an improvement?—It is a most decided improvement, because it is an encouragement to the medical officers. The medical officers feel hurt when other officers are held up that have behaved well, and they are not, when they consider that they have behaved well; it damps their zeal.

389. Sir *J. Trollope.*] Was the medical journal, in which you introduced this matter, the paper called the "Medical Times"?—I think it was, and I think it was in the "Lancet" also.

390. Did you send it directly to the "Medical Times"?—Yes.

391. Were you in communication constantly with that medical journal?—No; I sent Dr. Hall's weekly reports, and beyond that I had no communication with it.

392. Will you name the papers to which you sent them?—The three London medical periodicals. I did not send them to one only, because that would look like favouritism, and therefore I sent them to the whole three.

393. Colonel *Boldero.*] You told us of two memorials, one sent by the surgeons, and one by the assistant surgeons. Has there not been another memorial sent to Lord Panmure, seeking to benefit and improve the medical department?—There was a memorial the other day sent to him, addressed to Her Majesty, praying

praying that the warrant which Lord Panmure had approved of, and which had been strongly recommended by myself, should be granted,—that I sent on the same day I received it to Lord Panmure, asking his favourable consideration of the memorial.

394. Have you received his approbation of it?—No; it is only three or four days since it arrived with me.

395. Can you give us a copy of it?—No; I did not keep the copy.

396. That warrant, you think, if carried into effect, would greatly benefit the Army Medical department?—I think very greatly.

397. Mr. *Noel.*] Did not the Chancellor of the Exchequer, in the House of Commons, on the 7th or 8th of March, say that he could not sanction the expense that those important changes would cost, and that, therefore, that warrant was withdrawn?—He is reported in the newspapers to have said so.

398. *Chairman.*] You are aware that the reports given to Mr. Benson Maxwell's Commission by regimental surgeons were in many points, and in the whole animus and spirit of them, different from the reports from the medical officers of divisions; have many of those regimental officers been promoted subsequently?—Since that the surgeon of the 49th has been made a staff-surgeon of the first class; and I think that has been the only opportunity of promoting any surgeon, except about six weeks ago, when I was allowed to recommend three officers for a mark of favour, on the termination of the war. I do not think that since those reports have come home there have been more than two or three surgeons promoted, and whether the seniors on those occasions were those that gave any reports to Mr. Benson Maxwell or not, I cannot say. Mr. Davies sent very unfavourable reports, as far as regarded the department. He spoke boldly of his wants, which, I think, was creditable to any man, because no man ought to conceal his wants, if he has any; and he has been promoted since.

399. Are you prepared to state to this Committee that the circumstance of their having made those reports would not be a bar to their promotion?—Unquestionably not; I say that boldly. The whole of my conduct through life has shown that the man who does his duty is promoted, whether the way in which he does it is palatable to me or unpalatable. If it is unpalatable to me he would be equally respected by me as the man who does his duty palatably to me, and be promoted if eligible.

400. Mr. *Bellew.*] Have any promotions been made in the medical department of the army in consequence of any medical officer being brought before your attention, as being zealous in the field, or for gallantry in dressing and attending the sick under fire?—Yes.

401. Colonel *Boldero.*] I wish to ask your opinion as to the manner in which the medical officers of the army in the East performed their duties; in the first place, you are aware that much odium has been incurred by the medical department of the army during the present war, from its being apparently inadequate to afford that aid and comfort to the sick and wounded soldiers, to which they are so justly entitled; this of course was not the fault of the medical officers, but the fault of the system. Is not that so?—Decidedly; and the difficulties which they had to encounter.

402. Has the system been changed, and if so, to what extent?—I cannot state that the system has been changed.

403. There was a Royal warrant issued on the 6th of October 1854, which confers great benefit upon the army as regards promotion; does your department share in those benefits?—No, there has no change taken place in the medical department. There has been no change under the Warrant of 1854.

404. Has there since?—No.

405. Do you consider that the medical officers employed in the East, collectively and individually, with one or two exceptions, have faithfully and conscientiously performed their duties to the sick and wounded?—I do.

406. And that their failure arose from your department not having been sufficient when the war took place?—In a great measure.

407. They were deficient in transports?—They were deficient in transport.

408. In the store department there were abundant supplies; but the things which were received for the troops were often entirely wanting?—Often they were entirely wanting from the want of proper arrangements out there.

409. You not having the control of those?—Exactly.

410. And the purveyors and apothecaries being almost extinct when the war broke

A. Smith, Esq., M. D.

5 May 1856.

broke out you were deficient in both those services?—We had neither the one nor the other, with the exception of a few very aged men.

411. In fact, in everything except professional treatment, as regards the welfare and comfort of the sick soldiers the medical department was not sufficiently provided when the war took place?—Clearly.

412. In the memorial to which you have alluded just now, have you entered into all these defects; and do you propose a remedy for them, and with regard also to promotion, and pay, and pension, and rewards, and widows' pensions, are all those points touched upon?—Many of those points were touched upon in the document which I forwarded to the Minister for War; with regard to pensions, that was not touched upon; because I had, about 12 months ago, urged by two letters most strongly the injustice which I conceived the medical officers suffered, from their widows not having the pensions of the relative ranks. That was conceded by the Government about 12 months ago, and therefore it was not mentioned in the document addressed to the Secretary of State; but all the other points which I thought essential to improve the condition of the medical department, as far as they occurred to me, were mentioned in my document, which consisted of about a quire of paper.

413. We are about to erect two or three large military hospitals; have you been consulted with regard to their arrangements, and can you state whether they contain ward-rooms for the officers?—They do.

414. Mr. *Bellew.*] You stated just now that apothecaries or dispensers of medicine were almost extinct in the army when the war broke out; I see by the "Gazette," that the 46th, 47th, and 48th Regiments have had dispensers of medicine appointed; are those gentlemen medical officers?—No.

415. What is their pay?—Their pay is the same as that of an assistant surgeon.

416. What is their rank?—Their rank is the rank of an ensign.

417. Are they gazetted as officers?—I believe they are gazetted as officers when they are appointed to regiments. Those doing similar duties on the staff are not gazetted as officers.

418. Do those gentlemen mess with the officers when doing regimental duty?—They are attached to the regiments.

419. Do they mess with the officers as holding the rank of ensign?—I do not know whether they mess with them or not. That is just what I saw would be the difficulty, and therefore I was averse to their being gazetted.

420. Do they wear uniform?—They wear a uniform different from that of the medical officers.

421. Colonel *Kingscote.*] Not the regimental uniform?—No.

422. Mr. *Bellew.*] From what rank have those gentlemen been taken?—They are mostly persons who have for some time served in large apothecaries' shops, and passed their examinations, and have been found qualified to dispense medicine.

423. There was no examination passed by them after you had selected them to those charges?—No; before I selected them there was an examination.

424. After an application was made to you to appoint anybody as a dispenser of medicines, had that individual to pass an examination to your satisfaction?—Yes.

425. Can you state upon what points they were examined?—Upon all the points that related to the duties which they would be required to perform; the dispensing of medicines, and reading the prescriptions of the medical officers.

426. Before whom did that examination take place?—It was occasionally a double examination, occasionally only a single one. They were sometimes examined by a Board in my own office, and afterwards sent to Mr. Savory to be examined.

427. How is that Board constituted?—That Board consists of the apothecary in the office, of the medical officer, who is employed in supervising the medicines sent out, and ascertaining that they are all proper, and properly packed, and of a president, who was a deputy inspector-general of hospitals.

428. Is there any restriction as to the age at which they may enter the service as dispensers?—They must neither be old men nor over young; there is no specific age laid down, because till lately, when I proposed the plan of appointing dispensers of medicines, and making it a permanent appointment, I never understood that they would be employed beyond the war, and therefore I did not fix

fix the age. In that respect the matter is not completely organised; but if I succeed in getting them to be permanent attachés to regiments, which I think is absolutely necessary for the good of the service, then the same restrictions and the same rules of examination will be laid down with respect to them as are laid down with respect to the assistant surgeons.

429. You have done duty with regiments yourself?—I have.

430. Does it strike you that it will be difficult to reconcile those appointments to the feelings of the officers at present in the army?—It does; and it has appeared to me all along that that would be the difficulty, and on that account I did not want them to be gazetted.

431. Colonel *North.*] From whom did you receive the orders to look out for those gentlemen, and to have them examined for those appointments?—I had authority to do so from the Minister at War.

432. Is it the fact that many of them were taken from behind the counters of shops and appointed to regiments?—I presume almost all of them.

433. Sir *J. Trollope.*] Was any qualification required?—Yes; I have stated the qualifications required.

434. Would not these dispensers, when appointed, supersede in a great degree the duties now frequently done irregularly by the hospital serjeants?—I cannot admit that the hospital serjeants do those duties, because there is a direct order that no hospital serjeant shall compound medicines. Perhaps they do it, but I do not know it. If I knew it, it would be my duty to bring the officer to book who permitted such a thing.

435. It would be for the advantage of the service to have persons better qualified for those duties than the hospital serjeants, who sometimes do irregularly perform those duties?—Certainly, for the advantage of the service.

436. Colonel *North.*] It is a sort of middle rank between the hospital serjeant and the assistant surgeon, one that is newly introduced, and which I understand you do not approve of, or at least one that you would rather not have introduced?—No, I wish to introduce the dispensers; but having served 41 years in the service, I know pretty well what the feelings of officers are. The feelings of officers, I am perfectly certain, are generally very good and very kindly; but I thought that if a young man, whom they would call a shopboy, joined the regiment, and they were compelled to receive him to the mess, they might resist that. I would not gazette him to the regiment, but let him find his own place. If he was a gentlemanly young man and well informed, as he must be, because he must have had a good education to be a dispenser of medicines; he must be to a certain extent a good Latin scholar, and must have a knowledge upon many other points; I think that nine regiments out of ten would say, "Poor fellow, he is dining by himself; why should we not ask him to join the mess as an honorary member?" But I thought that the officers would resist it if it was made imperative upon them to receive him.

437. Mr. *Bellew.*] Has it been made imperative upon them to receive them?—I believe so, they having been gazetted.

438. Colonel *Boldero.*] Do they hold Her Majesty's commission, or are they appointed by warrant?—Those that are gazetted hold Her Majesty's commission; the others upon the staff are by warrant.

439. All other officers in the service holding Her Majesty's commission, and appearing in uniform, are entitled to certain respect from every soldier that passes under arms?—Clearly.

440. Do you think it possible that any regiment would refuse to receive a dispenser at mess, he having been gazetted, and holding Her Majesty's commission?—They could not refuse him, but this might happen: If a man who is not on an equality with themselves were to go to their mess, where he might have a right to go in consequence of being gazetted, his neighbour on the right hand and on the left hand might have an understanding that they would not speak to him, or that they would not take any notice of him, or recognize him when they met him out of doors; and in that way they might make his position very uncomfortable; therefore I think, in order to have avoided that, it would have been better to have left it optional to the officers to ask him to become a member of the mess. Many regiments, I am sure from my experience, would do so, but there might have been regiments that would not do so.

441. You cannot, of course, require asking officers to pay attention and respect to a dispenser, but if a dispenser were to write home and say, I have joined such

A. Smith, Esq., M. D.

5 May 1856.

and such a regiment, and I am refused to be received at the mess table, what steps should you take?—I must immediately address the Commander-in-Chief and state the case.

442. Mr. *C. Legh.*] What pay do the dispensers receive?—They get the same pay as an assistant surgeon, 7*s.* 6*d.* a day, and the same allowances.

443. Sir *J. Trollope.*] As these officers were only to be employed during the war, what is to be done with them afterwards; are they to be put upon half-pay, or are they to be altogether dispensed with?—That is a question I asked, but I did not get any satisfactory answer to it.

444. Mr. *Bellew.*] Did the plan of medical dispensers originate with you?—Yes.

445. Can you tell us by whose authority it was that those men were appointed to the rank of ensign, contrary to your wish?—It was not contrary to my wish that they should have the rank of ensign. I only thought that it would have been better not to have gazetted them, so as not to render it compulsory upon the regiment to receive them as members of the mess.

446. You would have had them only warrant officers, without being gazetted?—All dispensers of medicines have always been warrant officers; they have the rank of ensign. It is necessary for them to have rank in order that they may get their allowances, and in order that they may get quarters, and such things as those.

447. Has any remonstrance ever been addressed, to your knowledge, against those men being gazetted officers?—I have written on the subject, and have stated my opinion.

448. Colonel *North.*] Owing to the pressure of the war, which required a great number to be provided immediately, you were obliged to take whomsoever you could get; but could not those gentlemen be selected from a superior class if you had time to get them?—I presume that most of them consider themselves gentlemen, and I suppose that as far as the ordinary acceptation of the word goes they are so. They are all persons who have gone to learn the business of apothecary; men of good education.

449. But it has not been hitherto considered that a shop-boy is a proper associate for an officer in the army; has it not caused very great discontent that men of that sort should have been forced upon the army, and be considered proper associates for officers in the army; though of course at the sudden outbreak of a war you must get whomsoever you can?—I do not think we could get men superior to the men we have got; I have taken care to get the most cultivated description of men I could get; they have been highly recommended as men of good conduct, good education, and gentlemanly behaviour.

450. Mr. *C. Legh.*] Your object was to benefit the regiments without reference to the mess of the officers?—I did not consider the mess of the officers; it was for the good of the service.

451. Sir *J. Trollope.*] Have any of those dispensers of medicines been licensed by the Apothecaries' Company?—No; because men who have been licensed by the Apothecaries' Company would not take the situation; they have been licensed by the Pharmaceutical Society; that is a society that licenses persons of that description. They undergo a very severe examination by that society, and then the society grants them a certificate that they are persons fit and proper to practise the business of an apothecary or druggist in any part of the United Kingdom.

452. Can you speak to the number of those that had passed that examination out of those whom you have employed?—No, I cannot; they are a considerable number, but by no means all of them.

453. Did you take any young man who had passed no such examination?—I did when favourably recommended to me; but he was subject to an examination before he was finally taken.

454. Were they so subjected?—Every man; sometimes to two examinations.

455. Colonel *Boldero.*] Is not the stimulus of promotion, and its concurrent reward, absolutely necessary for the efficient working of every public department?—Doubtless.

456. Then can you expect to get an intelligent, gentlemanly body of men as dispensers, when there is no hope of promotion held out to them?—That is a difficulty.

457. Sir *J. Trollope.*] Had you not great difficulty in getting well-qualified young

young men to take the office of dispensers to regiments or brigades, in consequence of your requiring at the same time the services of a number of civilians to act as medical officers in the East, at a higher rate of pay than that which was given to the medical department?—None; because the men whose services I was requiring as medical officers would not have offered themselves to me as dispensers; they were men of a higher class; men who had received a university education.

458. Mr. *Noel.*] Are these appointments of dispensers to be continued?—I hope so.

459. Mr. *Bellew.*] Is there no promotion to be held out to them?—What I suggested was, that as they could not get promotion, there being no other rank that they could fill above that of dispenser, after a certain number of years' service in one grade they should get an increase of pay.

460. Do you think that by that means you would get a better class of men?—I do not think we could get a better class of men than a great number that we have got.

461. But you would naturally get a better class of men by giving an increased pay after a certain number of years' service?—Yes.

462. Sir *H. Davie.*] I understood you to say, with regard to promotions and transfers in the medical department in the Crimea, that you individually had nothing to do with them?—Transfers I had nothing to do with. With promotions I had everything to do. The promotions are divided as regards the army in the East. Officers, who are specially recommended home by the Commander-in-Chief and the head of the medical department, are without any question carried through. I do not exercise my own judgment in reference to them. Then, in cases where no person has been specially recommended to fill the vacancy, I take the senior of the rank if there is nothing against him.

463. Supposing a surgeon or assistant surgeon of a regiment in Canada wishes to be transferred to the staff, or *vice versâ*, that a staff surgeon or assistant surgeon wishes to be removed to a regiment, and supposing a friend or relative of such officer were to come to you here, and ask that such transfer should be made, would you refer them to the authorities there, or would you yourself direct such a transfer to be carried out?—If there was an opportunity for a transfer, that is to say, if there was a staff surgeon of the second class, whose rank is equivalent to a regimental surgeon, who wished to get to a regiment, and a surgeon of a regiment wished to return to the staff, I would inform the friend who applied to me to tell them mutually to make their application to me, forwarding the certificates which the rules of the service require, certifying that the change from the one service to the other was not in consequence of bad behaviour; and when I received those representations, if they were all satisfactory I should recommend to the Commander-in-Chief that the transfer should take place. The local authorities have no power of transferring in Canada.

464. But you are supposing a voluntary exchange between two parties which my question did not contemplate?—I cannot force an officer to go away from a regiment to make place for another. If a vacancy were to arise in Canada by the death of regimental surgeon, and a staff-surgeon of the second class serving in Canada, had applied to me previously for a regimental surgeoncy as soon as one became vacant, I then on this vacancy arising should have no hesitation in recommending to the Commander-in-Chief that he should be appointed regimental surgeon, and that the next senior assistant surgeon should be appointed to fill the situation of staff-surgeon of the second class.

465. Then, practically, you would desire the thing to be done?—I should recommend the thing to be done; I have no power to do it.

466. Mr. *Bellew.*] Does service on half-pay militate against a surgeon in the army as to the counting of his service?—It does; it is not counted at all.

467. Do you think that the present scale of half-pay of the assistant surgeons in the army is sufficiently liberal?—No; I have recommended an increased half-pay.

468. Are you aware that in the promotions of medical officers, as to their relative rank, they consider it a grievance that the time spent on half-pay does not count in any way in their favour?—No doubt they consider it a grievance; but it is the universal practice in the army. In the same way, a military officer's service on half-pay does not count.

469. What is the greatest length of sick leave that they generally grant to a

A. Smith, Esq., M. D.

5 May 1856.

medical officer?—It becomes exceedingly difficult to grant to a medical officer beyond six months' sick leave. Men returning from India have occasionally succeeded in securing 12 months; but those are very rare cases, and during that time the service is suffering very great inconvenience from their absence.

470. *Chairman.*] Are not Colonial and foreign appointments less favourable for the chances of promotion than Home appointments?—No; I should say rather more favourable, because more casualties occur abroad than at home.

471. But the appointments are so much fewer at any station abroad than at the different Home stations; you stated that you would not transfer the next in seniority from New Zealand to a West India station, if there was a vacancy, but in every part of England you would transfer the next in seniority from one station to another?—Yes.

472. Therefore the chances of promotion are so far smaller in a foreign station than in England?—In the West Indies, for instance, where there are only 5,000 or 6,000 men, and five or six surgeons, there would be a greater chance of promotion to a superior rank than the 30 surgeons who might be at home in England would have, because the climate being more unhealthy, more casualties occur in the West Indies.

472*. Some stations being more arduous and more unhealthy than others, you have the power of exercising favour or disfavour in the appointment of medical officers to the one or to the other?—If I were to exercise the power I dare say I could exercise it with great injury to individuals, but I do not do it.

473. Then you have in your promotion two rules to guide you as to whom you shall select; you have sometimes length of service, and sometimes seniority of rank?—I make use of both, but I am expected according to the instructions I have to select.

474. Then are we to understand that in some cases you use as your rule in selecting seniority of rank, and in other cases seniority of service, or do you apply only one of those rules?—If the officers who are eligible for promotion are of equal merit, seniority of service always guides.

475. Sir *J. Trollope.*] Then you do not take seniority of rank as your guide?—I have occasionally done so; but I am not justified in doing it, because I am told that the filling up of the superior vacancies is to be by selection.

476. Did you make use of selection when you brought Dr. Hall from India to take the command of the medical department of the army in the East?—Partly selection, but principally seniority of rank.

477. Was there no disadvantage to the public service in bringing a medical officer from so distant a dependency to another distant station?—Not that I know; there was great disadvantage to Dr. Hall, for he remonstrated at being taken away from a place where he had 2,500 *l.* a year independently of large allowances and emoluments; he felt it was a great disadvantage to himself.

478. In a pecuniary sense?—In a pecuniary sense.

479. Was it not of immense advantage to Dr. Hall to have the entire charge of a large expeditionary army?—Not in a pecuniary point of view.

480. But in a personal sense was there not great honour and advantage in being so placed?—Some persons may think so; but many would forego that probably, to get a considerably higher salary.

481. Has not Dr. Hall received some personal advantages in being honoured by his Sovereign by some decoration since?—Yes; he had the chance of getting that, and he has got it; but then he might not have got it; he had no certainty of it.

482. *Chairman.*] You stated on Thursday that Dr. Dawson was senior to Dr. Hall; then why did you take Dr. Hall, because of his seniority?—Dr. Dawson was an Inspector-general at the time, and Dr. Hall was a Deputy Inspector-general at the time.

483. And Dr. Dawson was in India?—Yes; but I did not conceive that Dr. Dawson was so eligible as Dr. Hall. Dr. Hall had gone through the Cape war. That was a small war, but still it was a war from which a man obtained considerable experience. I wanted a man who had had some experience of war.

484. Then your rule in that case was not entirely seniority, it was selection?—It was selection to a certain extent; Dr. Dawson was already Inspector-general, and I wanted to promote a man to the rank of Inspector-general to take charge of the army of the East.

485. Sir

485. Sir *J. Trollope.*] You stated that the gentleman whom he superseded, Dr. Burrell, was of equal length of service with yourself?—He was a few months senior to me.

486. Then I apprehend that selection must have taken place in your instance; you now hold your present office by selection?—His Grace the Duke of Wellington selected me.

487. You were selected from being assistant to the former Director-general?—Before I was appointed by the Duke of Wellington, I had been assistant for five or six years to the late Director-general.

488. You hold the office you now hold at a much lower salary than the former Director-general enjoyed?—I took the office without knowing what the salary was to be; it was not stated to me till after I had got the appointment.

489. You were then told that you would be put upon a reduced allowance?—Yes.

490. Which has been not very satisfactory to you since?—I do not care much about money.

491. Have you never remonstrated since as to the difference of salary?—I have not.

492. Can you state the number of officers over whose heads you were placed when you were so selected?—I cannot.

493. Were you not holding at the time the office of staff-surgeon in the army?—I was deputy inspector of hospitals.

494. How long had you been deputy inspector?—About five years.

495. Were there not many deputy inspectors senior to you?—Yes, but I cannot say how many; there were some.

496. And the whole of the inspectors?—Yes.

497. You passed over all their heads?—I passed over all their heads.

498. I will not ask you the grounds upon which you passed over their heads?—I do not know them.

499. But Dr. Burrell, whom you displaced in the Crimea, was of equal standing, and we may presume of equal experience with yourself. Had he served at any other foreign stations?—I have no doubt he had; but he was not of equal standing; he was a staff-surgeon of the first class, and I was deputy inspector of hospitals.

500. Having started on equal rank, you had been selected upon a former occasion for promotion?—I must have been.

501. Then in fact in your instance seniority has had nothing to do with your appointment?—No. Selection has had to do with it. Selection is the rule.

502. And yet in your former evidence you stated that when the merits are equal, seniority should be the ground on which medical officers should be promoted?—I did not state that it should always be the ground; I said that I had made it almost always the ground as far as I was concerned in the administration of the department.

503. Mr. *Bellew.*] With regard to half-pay and sick leave, do you think the Medical Department is sufficiently supplied with staff-officers to take the duties of regimental officers, to enable those regimental officers to obtain extended sick leave in case of necessity?—Certainly not.

504. Do you think that as the time spent on half-pay does not count, it would be an improvement to the service, and a benefit to the individuals concerned, if the staff were so increased that the medical officers could obtain more extended sick leave?—Yes.

505. Colonel *Boldero.*] Have you in the Medical Department of the army any full-pay retirement?—No full-pay retirement.

506. What length of service entitles you to half-pay?—Twenty-five years.

507. In the line 21 years is the time, is not it?—Yes, to entitle them to full-pay retirement.

508. It is possible for an officer to get his first commission in the army at the age of 16?—Yes.

509. A medical gentleman cannot get his commission much before three or four-and-twenty years of age?—Not usually.

510. Therefore an officer in the line would have an advantage of seven or eight years at the commencement, and he also has an advantage of five years with regard to obtaining his half-pay?—Yes.

511. With regard to two eminent men who have been mentioned, Dr. Reid

A. Smith, Esq., M.D.

5 May 1856.

and Dr. Burrell, you stated that Dr. Reid was selected from Corfu in consequence of his proving himself a most able operator?—Yes.

512. And you thought you could not find a better man to send to the East for active service?—Yes.

513. He came home to England, having had leave from the Governor of Corfu?—Yes.

514. He was then in great domestic affliction, but still you thought his services so essential to the army in the East, that you compelled him to go out?—Yes.

515. Dr. Burrell was sent out to serve with an army of 10,000 men, to organise an hospital, and to superintend the sick, and you felt it your duty to supersede him by appointing an officer, his senior in rank. Instead of retaining Dr. Burrell, to serve in the East, under Dr. Hall, whom you brought from the East Indies, you placed him upon half-pay, and you thus saddled the country with the half-pay of a gentleman who was efficient and ready to do his duty; do you think that you dealt equal justice to those two gentlemen?—If the case had been as the Honourable Member has stated it, I should say that I had done gross injustice. But the case was this: I found myself compelled to appoint an Inspector-general, when the army increased. I gave Dr. Burrell an opportunity of serving as second in medical command, and he declined it; he would not serve; and then, to try and make up for any little feeling that he might have on the subject, I offered him a situation which would bring him 2,500*l.* a year. I offered to send him to Bombay, a place which every man is anxious to get. He declined that, and insisted peremptorily upon my cancelling his appointment and having him placed upon half-pay; and a series of letters reached me one after the other, insisting that I would take that step. I remonstrated against it. I asked him over and over again to consider what he was losing before I did it. At last I was compelled to do it. I would now say, that as the case appears not to be clearly understood, with the permission of the Committee, I will put in the entire correspondence which took place between Dr. Burrell and myself with reference to the subject.

516. *Chairman.*] Was that all official correspondence, or do you desire to put in that which was partly demi-official?—A great part of it was demi-official.

517. Colonel *Boldero.*] In the one case, you compelled Dr. Reid to resign, and in the other, you did not exercise your authority, by compelling Dr. Burrell to serve?—I did not compel him to serve.

518. Why did not you?—Dr. Burrell had a right to demand his retirement, after the length of time he had served.

519. But when an army is in the field, in active operation, if a man is in health, and has skill, and judgment, and science, surely he ought not to come home and be placed on half-pay, doing nothing?—I could have taken that course; but I do not know whether the Commander-in-Chief would have forced him to serve, had I proposed it. I have got odium enough already, but I should have got ten times more odium had I taken such a step as that; and it would have implied that I had no person in the department who could take Dr. Burrell's place—no one equally intelligent and equally able. Therefore it would have been a sort of stigma upon all the other officers of his rank. Now I have the highest opinion of Dr. Burrell; but I have equally great reason to have a very high opinion of many others; and if he thought it desirable for him to retire, I could replace him by a man just as good as himself. Under those circumstances, I felt that I should not be justified in proceeding to an extremity which is rarely known in the service, to compel a man, after he had an unqualified right to retire, to go and serve.

520. And it was nothing derogatory to the character and position of Dr. Burrell to serve under a superior officer?—Decidedly not, so far as I understand the thing, but he thought differently.

521. Sir *J. Troliope.*] Had you not a tender of service when the army proceeded to the East from Dr. John Davy, a gentleman holding high rank as an army medical officer?—I had not.

522. Was not such an offer made to the War Department, and referred to you?—It was.

523. Did you never return an answer to such an offer of service?—I had better state the circumstances; after Dr. Hall had been ordered to join the army in the Crimea, a little previously to Lord Raglan's embarking from this country,

he

A. Smith, Esq., M. D.

5 May 1856.

he sent me a note addressed to him by Dr. Davy, asking for the appointment of principal medical officer to the army. Lord Raglan sent a private note to me, saying, "What answer shall I give to this?" I replied, "The answer is easy, the principal medical officer has been appointed." That went to Lord Raglan, and I heard no more of it. Several months afterwards, a letter of Dr. Davy's to the Duke of Newcastle, was transferred to me, with a request that I would answer it. I simply answered it in the ordinary way, to say that I did not feel myself justified in recommending him for the appointment which he solicited.

524. Are you aware of Dr. Davy's experience in the East, at Constantinople?—Dr. Davy, so far as I know, could have had no experience at Constantinople, except in inquiring into what was the condition of the Turkish Medical Department and Hospitals. He was sent with several other officers to inquire into the position of the Turkish Medical Department, and to make suggestions to the Sultan, provided he would accept of suggestions, as to what might be done to improve the medical condition of the Turkish army; beyond that experience, I cannot conceive that Dr. Davy could have had any experience.

525. Was not he resident nearly a year at Constantinople?—I cannot say how long he was resident; he was there simply as a Commissioner.

526. Would not that residence there, and the official inquiry in which he was engaged relative to the Turkish hospitals, give him experience not enjoyed by many other medical officers connected with the British service, as to the climate and various other things which a medical officer would require to know in connection with his profession, and a knowledge of which would be of great advantage to an expeditionary army in the locality?—It might, but I took other means of ascertaining those points when the army was ordered to the East; I sent out three very clever medical officers to inquire into all those things; they preceded the army, and then sent me home their reports in reference to all those points, before the army actually reached Constantinople, or at least very shortly afterwards.

527. How long were they resident there before they sent their reports?—Their residence was not simply at Constantinople, but they travelled over the entire country, and found out the local peculiarities ten times better than any person resident in the town of Constantinople could do. I sent one down the Danube, to examine every locality along the Danube, to find what peculiarities attached to different parts; what were the diseases that prevailed in each part, and how far any particular place would be eligible as an encamping place, and how far it would be disadvantageous. Two of the officers went to Constantinople; one of them went up direct along the sea as far as the Balkan, and came down in the other direction to the West. The other officer went off in the direction of Gallipoli, and inquired into the condition of every locality where it was possible to have to place an army.

528. But as the expedition was then about to start, were not their inquiries rather superficial and hurried?—I should say not, because they put themselves into communication with medical men in those places; they had interpreters with them, and those interpreters were able to elicit from the medical practitioners of places the best information which could be obtained.

529. Did you employ afterwards any of those three medical gentlemen?—They were all employed with the army.

530. Are any of them there still?—One of them is there.

531. Will you state their names?—One of them is dead; Dr. Dumbreck was one, Dr. Linton was another, Mr. Mitchell was another, he is dead, he died of cholera.

532. Then you declined Dr. Davy's services, because the situation was already filled up?—Not exactly so; Dr. Davy, according to the rules of the service, had completed his period of service, and he was not eligible to be brought back to the service again. Dr. Davy, as well as many others, when they rose to the rank of senior deputy-inspector, were made temporary or local inspectors-general, and were required to serve in that rank for three years. On completing the three years, they were confirmed in their rank; and by a regulation that was issued on the recommendation of the Military and Naval Commission of Inquiry, were permanently put upon half-pay; I had not the power to bring in Dr. Davy.

533. Are the Committee to understand that a gentleman in that position, in

A. Smith, Esq., M. D.

5 May 1856.

perfect health and of long experience, who tenders his services, is to be considered altogether ineligible?—Yes; that is the rule of the service.

534. It is a perfect bar to his being employed?—Yes; that is the rule of the service.

535. *Chairman.*] Where are those rules to be found?—They are in the proceedings of the Naval and Military Commission.

536. Sir *J. Trollope.*] Are they printed with the Report of the Commission, or are they rules which have been made in consequence of the Report of the Commission?—The practice has been consequent upon the Report of the Commission.

537. You state it to be the practice; has it been made the subject of an Order emanating from the Commander-in-Chief?—There is a letter from the Secretary at War, stating that that is to be the practice.

538. *Chairman.*] Have you ever violated those rules?—Never; I do not feel that I could safely violate them; if I did, it might turn me out of my appointment.

539. Sir *J. Trollope.*] Was not Dr. Davy senior to you by some years in the service?—Some months.

540. You had been under his command?—I had.

541. You are aware, therefore, of his capabilities of service, and his knowledge and general acquirements?—I do not know what reply to make to that.

542. You would decline to reply to that?—I would decline to reply to that.

543. But I understand you to say, that there was nothing that rendered him unfit to receive the appointment except the order which emanated from the Commission on Army Appointments?—Nothing, except that, and the injustice that it would have been to others who were on full-pay, and were looking to the advantage that he had already got by being promoted to the highest rank.

544. Sir *H. Davie.*] You stated that when you were asked with reference to Dr. Davy what answer should be given to his application for employment, you said, "The answer is simple; the appointment is already filled up;" but did you not at the same time suggest that he should be reminded that he had been put upon the retired list, and therefore was not eligible according to the rules of the service?—No, I did not suggest that, because I took for granted that Dr. Davy, as well as everybody else, knew that. It would have been an insult to him to tell him that, because he must have known it.

545. Sir *J. Trollope.*] Are you not aware that he made a tender of his services long before the chief medical appointment was filled up by the appointment of Dr. Hall?—No, I do not think he did.

546. If his service was tendered to the War Department, would it not be referred to you?—Yes; but I do not think it was tendered to the War Department. I think at the same time that the letter was sent to me, tendering his offe of service to the War Department, there was a letter also sent to me stating tha he had tendered his service some time previously to the Secretary at War. I never heard anything about it at the time, but I think it came to my knowledge at the same time that I received the letter from the Duke of Newcastle; then I became acquainted with the fact that he had made to Mr. Sidney Herbert an application for employment.

547. Were not the terms of your answer something as follows: that you did not think fit to recommend Dr. Davy; a very peremptory answer of that sort?—It was the usual official letter, that I did not consider it my duty to recommend him. That was the whole of it. I will put the letter in if the Committee wish. There was no difference in my letter to Dr. Davy, from what there would have been as to any other inspector-general.

548. Mr. *Bellew.*] To refer again to the subject of half-pay, with reference to the promotion and retirement of medical officers, I find it stated in the rules that the rate of half-pay to a medical officer in the army shall in every case be determined by the service he may have rendered on full-pay, and the circumstances under which he may be placed upon half-pay. Is the nature of those services and of those circumstances communicated to you, and does it rest with you to decide whether his half-pay shall count as full-pay service?—No. Ther are two rates of half-pay; there is a reduced rate, which is about 2 *s.* more than the ordinary half-pay, and which a surgeon is entitled to claim if he is recommended by the head of the department. I do not recollect a single instance o a man going upon half-pay in which I was not able to say that he was fully entitled to the reduced rate.

549. Does

549. Does it rest with you to recommend it?—Yes; it rests with me to recommend. If I do not recommend it he would get the regular half-pay. If I say that he has been an officer that has performed his duties efficiently and advantageously to the public service he gets the reduced rate.

550. *Chairman.*] Your recommendation has never been disputed in regard to that?—Not that I recollect.

551. With respect to the system of promotion in the medical department, you stated that you were opposed to a Board, and that you thought it better to confine the responsibility of those promotions to one individual. Have you any suggestions to make as to any different arrangement that might be made with regard to the system of promotions, either for your guidance, or to give you greater liberty, or to alter your position with reference to the War Office, or in any other points; or are you satisfied with the system of promotion centered in yourself, as it at present works?—I cannot say that I am satisfied with the system of promotion vested in myself, because, if I could see my way, without sacrificing the public service, I would earnestly entreat to wash my hands of the promotions; I would have nothing to do with promotions.

552. But you do not see any way?—I do not see any improvement that could be made with reference to promotions, assuming that the existing system is to be continued. I do not think that a Board would do, because Boards have already been resorted to in this department. There was a Board between 1794 and 1808. That Board was constantly contesting. One man had a friend whom he wished to have promoted. Another member of the Board had a friend whom he wished to be promoted; a third man had a friend again whom he wished to be promoted, and each individual of the Board fancied the merits of the candidate whom he proposed were equal to the merits of the candidates whom the others proposed, and perhaps superior, and the consequence was that time was frittered away to nothing. Then I apprehend that this Board had different duties to discharge with reference to the service. The physician-general was supposed to have the right of selecting physicians for the service; and from the moment that a physician was selected he was placed in a hospital, and the surgeon-general had the management of that hospital, and he immediately complained that the physician-general had not selected a proper man for him. And so on. There was constant altercation. That Board was abolished in 1798, and it continued abolished till 1810, when it was reformed, and in 1816 it was found to work not advantageously to the service, and one member was taken away; and in 1833 it was entirely broken up, and the sole power was placed in the hands of Sir James M'Grigor. The department has continued since then to be superintended by one individual.

553. Sir *J. Trollope.*] There was no civilian attached to either of the Boards which you have stated to exist up to the year 1833?—I cannot exactly answer whether Mr. Rush was not a civilian. Mr. Rush was appointed on the Board in 1798 or 1799. I suspect that he was a civilian; he had not served in the army; and I suspect that Sir Lucas Pepys, who was the physician-general, had not served in the army; in fact, he had not; because when the question was put to him by the Military Commission in 1806, whether he knew anything about soldiers, he said he did not know anything about soldiers.

554. Do you think there would be any advantage, if the Board were reconstituted, in attaching a civilian to it, seeing that the duties are entirely connected with the army?—Decidedly not, but a disadvantage.

555. In fact, if it should be the pleasure of the Crown to nominate a Board, and of Parliament to issue a grant for that purpose, you think it would be amply sufficient and satisfactory to have it composed entirely of military and medical officers?—I think of military and medical officers.

556. *Chairman.*] But you are opposed to a Board altogether?—Yes.

557. And of the two, you think that a Board with a civilian element in it would be worse than a Board composed entirely of military medical officers?—I know that no Board in the world would get through the duty, because a Board cannot go on so rapidly as an individual, and it is absolutely necessary for the good of the service that the current work should be got through from day to day. At the present moment what exists is tantamount to a Board; I have three subordinate boards in my office, and they examine and report to me on all points, and I have simply the decision. I have a Board in regard to the supplies of stores for the army; it consists of three officers. Whenever any

A. Smith, Esq., M. D.

5 May 1856.

application comes to me with reference to stores, I may read it over if it is not very long; if it is too long for me to read over, and therefore would interfere with the current work, I address it to the president of this Board, and he makes me out a *précis* of it, and gives me also the opinion of the Board, which in nine cases out of ten I adopt. Then if the application is with reference to the supply of medicines for the army there is another Board, with a deputy-inspector at the head of it, who looks to the supplies on hand, and looks to the supply required. I consider it their duty to see that the supply be furnished that is required. In nine cases out of ten I do not interfere in the least; and in the same way, with the Board for the examination of sick and wounded officers, that Board decides in all cases without my intervention; all that I have to do is to send on the proceedings to the Commander-in-Chief. So that those matters are attended to by three Boards, sitting separately and independently. If I have any reason not to approve of the proceedings of any one of those Boards, I call on the Board to state upon what grounds they have come to their conclusion, and if they satisfy me that the grounds are good, though at first sight they appeared not good to me, as a matter of course, for the good of the service I adopt them.

558. How many officers are there attached to each Board?—Three.

559. Are they all separate and distinct persons?—The president of the Board for examining sick and wounded officers is also the president of the Board for medicines, because if they were made separate and independent persons, it would require such a number of officers, that they would not have any occupation, except at the time when they had to sit on those Boards.

560. How many military medical officers have you attached to your department?—I have two Deputy Inspectors-general of Hospitals. I have a staff-surgeon of the first class, three staff-surgeons of the second class, and an assistant surgeon, an apothecary, and a purveyor.

561. Does the apothecary sit upon any of those Boards?—On the Medicine Board; because he is the person most conversant with regard to medicines.

562. Does the purveyor sit upon any of those Boards?—The purveyor sits with reference to stores.

563. You have seven medical military officers, and an apothecary and a purveyor?—Yes.

564. *Chairman.*] Are those all appointed by you?—They are selected by me.

565. Have you to submit their appointments to any one else, or do you appoint them upon your own decision?—Supposing I am allowed to make a selection of four men I take the most qualified to do the duties of the office, and simply order them to London, and report that I have ordered those officers to London for that duty.

566. And that is final?—It is final, unless any objection is raised.

567. Have any objections been raised in any cases?—None.

568. Do you confine your selection to any particular rank, or do you take from the whole of those in the service?—I am bound to confine my selection to particular ranks. I proposed to Lord Panmure what I wanted. I stated that I wanted so many of one grade and so many of another grade, and I received sanction to take those. Of course I required to have his sanction to take the two deputy-inspectors and the other medical officers that I wanted.

569. Could you take a staff-surgeon of the first-class, and make him a deputy inspector-general in order to have his assistance in the discharge of these duties?—No; if I had found that I had no deputy-inspector equal to the duties, and I had found that I had a staff-surgeon particularly eligible for them, I should have had to represent that to the Minister for War, and to state that I thought the public service would benefit by giving him the promotion for the purpose, and if he concurred with me in that opinion, he would authorise me to make the promotion.

570. Are they removable by you at once from their present attendance in Whitehall-yard?—Yes.

571. They are therefore entirely dependent upon you?—Yes.

572. The difference between them and a Board would be, that in the case of a Board the other members of the Board would be co-equal with you, whereas they are subordinate?—Exactly.

573. You think that it is a better arrangement that they should be subordinate than

than that they should be equal on the Board with you?—They could not be equal, because there must be a chief of the Board.

574. But they would be much nearer equality if it were a Board?—The two members would probably be inspectors-general.

575. They would have the right of voting upon any question, so as to overpower your decision?—Yes, they might outvote me.

576. Therefore, though they would be individually inferior, collectively they would be superior to you?—Yes, and they might outvote me upon something that was most essential to the interests of the service; misunderstandings might arise, and possibly the two junior members, as is very often the case, might not like very much the senior member, and they might say, "Let us thwart him;" and when matters were brought before the Board for decision they might outvote him. Something which I might be convinced would be of great advantage to the public service would not be carried, because the two junior members of the Board would say that it shall not be carried. That is one great reason why I object to a Board.

577. For instance, the junior members might have insisted upon the continuance of Dr. Burrell in his employment with the army?—Yes, they might, although Dr. Burrell wished to retire.

578. Sir *J. Trollope.*] In March last it was announced to you, that a Board was intended to be formed, and you thereupon tendered your resignation in consequence of its being proposed to introduce the civil element into it?—Yes.

579. Did not you state that you came to that decision also on account of your health?—My health was suffering at the time.

580. It appears that it was announced to Parliament by the Prime Minister, in May, that it was the intention of the Government to form such a Board?—I believe so.

581. Are you aware why that intention was abandoned?—I am not.

582. Was it in consequence of any remonstrance of your own?—No.

583. But you distinctly told the Government that you would not act upon it?—After having done, as I believe, my duties efficiently as Director-general, I would not remain on any Board unless the Government were to adopt the course of forcing me to do so, or else were to say to me, "Then you may resign your commission." I could not afford to resign my commission. I am not a rich man. I should in that case have had to submit to circumstances, and make the best of it, and let the public interests suffer.

584. Colonel *North.*] With regard to the Board of officers who sat to examine the sick and wounded officers who came home, were the three members of it permanent, or were they changed from time to time?—They have been from necessity changed occasionally; never, if it was possible to avoid it. The pressure for officers in the East made it impossible to keep men permanently, but since I have organized the Board as it is now, they have never been changed.

585. It would have been your desire that the officers on the Board should continue the same throughout, if it were possible?—Clearly, for the advantage both of the officers and of the public service.

586. Mr. *L. Gower.*] What practical inconvenience do you state would result from the appointment of a civilian to this Medical Board?—Every man sitting on a Board, according to human nature, must naturally fancy that his opinion is worthy of weight; and if he has not had experience in army matters, his opinion can only be formed upon his experience in civil life; and that is so different from the experience which men acquire in army life, that if he were to push that upon military officers they would see that it was inapplicable; and the consequence would be that they would overrule him by a majority, and in time he would get dissatisfied and find that he was a cipher; or if his suggestions were often adopted, they would most likely prove disadvantageous to the public service.

587. Then you object to any civilian having any interference with the army generally?—I do, from that circumstance, that they do not understand the army medical duties; they are not acquainted with the habits of soldiers nor with what is necessary to the management of sick soldiers.

588. Mr. *C. Legh.*] Would your objection apply also to the person who has the department of the apothecary in the Board. Would there be any objection to his being a civilian?—No; I do not think there is any great objection to that; but I would rather have a man who had had experience in the management of

A. Smith, Esq., M. D.

5 May 1856.

Army Returns. The present apothecary has been in the Board for, I believe, between 30 and 40 years.

589. Colonel *Boldero.*] Are you of opinion that you could not have obtained any civilian to act in the army medical department without giving him very high pay?—Yes, I would expect that they would have had to give him much higher pay than they give me.

590. But you have medical men belonging to your department with qualifications quite sufficient to conduct the whole of the medical department?—I maintain that we have men in the medical department of the army as highly qualified as any men in the kingdom. I should have no difficulty in producing men connected with the army medical department who would take their stand with any men in the kingdom.

591. Having that feeling, you tendered your resignation when you heard of the intention to introduce a civil element into the proposed medical Board?—I did.

592. Mr. *Bellew.*] You have stated that the Boards you mentioned act under you as the controlling head; would it be under those Boards or under your direction that a universal change in the medical department of the army would take place; for instance, in the treatment of certain diseases, such as the ceasing to use mercury and the adoption of other remedies; would a case of that kind be referred to any Board in your office, or would a change of that kind emanate individually from you?—No, I have no authority or right, and I would act most unjustly to the interests of the sick, and of the service, if I were to enforce any mode of treatment on the medical officers. If I happen to ascertain that a certain course of treatment is proving very advantageous I communicate that to them, leaving it optional to them to adopt it or not. If I were to force a line of treatment on the medical officers, and that line of treatment proved unsuccessful, they would say that they were not responsible for it; that it was the Director-general.

593. Then it is not the case, that orders or directions, which were tantamount to orders, were issued to the regimental medical officers relative to the treatment of certain diseases?—No.

594. For instance, the use of mercury in certain diseases is not forbidden in the army?—No.

595. Nor is the use of other remedies very strongly recommended instead?—If I hear that there is a remedy which has been discovered by surgeons and physicians in practice in London or elsewhere to be very efficient in the treatment of a certain disease, I have no hesitation in making it known to the medical officers, and saying to them, that if they think fit I think it is a remedy that ought to be tried.

596. But you do not go beyond that to forbid or to enjoin the use of certain remedies for certain diseases?—Certainly not.

597. Mr. *C. Legh.*] Do the regimental surgeons make their reports direct to you?—In England, to me; on foreign stations, to the principal medical officer of the command.

598. Are not those reports very voluminous?—The annual report of the medical transactions of the period is by some made voluminous; by others it does not extend over two or three sheets of paper.

599. But they are made according to certain forms?—Yes.

600. Do you think those forms might be considerably modified, with benefit to the service?—I am not prepared to say that I think they could. I think it is absolutely necessary that a record of the medical practice in the army should be in existence.

601. You are aware of the details of those reports?—Yes; they were at one time very voluminous, because the medical officers were very zealous, and they thought that by writing two and three quires of paper they would be more likely to get promotion, whereas it sometimes turned out that the man who had written half a dozen sheets, but much to the purpose, was more approved.

Jovis, 8° die Maii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Sir Henry Davie.
Sir John Trollope.	Colonel North.
Colonel Kingscote.	Mr. Bellew.
Sir John Hanmer.	Mr. Noel.
Mr. Cornwall Legh.	Colonel Boldero.
Mr. Peel.	Mr. Percy.

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

William Henry Burrell, Esq., M.D., called in; and Examined.

W. H. Burrell, Esq., M. D.

8 May 1856.

602. *Chairman.*] WILL you state the length of time you have been an Army Surgeon?—I entered the army on the 24th of June 1815, and I have been till 1854 on full-pay service.

603. You were an assistant-surgeon?—I was an assistant-surgeon, surgeon, and staff surgeon.

604. Will you give the dates of those appointments, if you can?—At that time we entered the service in the rank of hospital assistant, which is now abolished. I was hospital assistant from 1815 to 1821, and then I was promoted to be a regimental assistant-surgeon in 1837.

605. What was your next step?—Staff surgeon of the first class, in 1845.

606. What was the next step?—The next step was, by Gazette of the 28th of March 1854, deputy inspector-general, which was cancelled.

607. How much foreign service have you seen during that time?—About 14 years.

608. In what part of the world?—In the Mediterranean nine years, and in the West Indies twice, three years in Jamaica, and about six months in the Leeward Islands.

609. On what other foreign service have you been?—Nova Scotia about four months, and at the Cape of Good Hope about two years.

610. Colonel *Kingscote.*] Did you see service at the Cape of Good Hope?—No; that was at the earlier period, in 1821.

611. Mr. *Peel.*] When were you promoted deputy inspector?—The 24th of March 1854, at Malta.

612. Where did you serve as hospital assistant abroad?—I went to the West Indies as hospital assistant, and the Cape of Good Hope and Nova Scotia.

613. How long were you in those three places as hospital assistant altogether?—In the West Indies about a month; in Nova Scotia about the same; and about two years at the Cape of Good Hope. I was also in the campaign of Belgium as hospital assistant.

614. As assistant-surgeon abroad, how long did you serve?—I was about two years regimental assistant-surgeon at the Cape, and I was regimental assistant-surgeon at Malta with the 94th three years.

615. Were you anywhere else as assistant-surgeon?—I was assistant-surgeon in Nova Scotia for a month or two; that was my first visit to Nova Scotia.

616. As surgeon, where did you serve?—In the Mediterranean six years.

617. In what garrison?—In Malta and Corfu.

618. As staff surgeon, where did you serve abroad?—As staff surgeon three years in Malta; as principal medical officer.

619. Were you on full pay the whole time from 1815 to 1854?—With the exception of 18 months in 1816, when I was reduced on the establishment at the end of the war.

620. *Chairman.*] You were appointed deputy inspector in Malta in March 1854?—In March 1854; I arrived there at the beginning of April 1851 as principal medical officer.

621. Can you put in your official appointment?—It will be found at the Medical Board.

W. H. Burrell, Esq., M. D.

8 May 1856.

622. You have not it yourself?—I do not know that I could find it now.

623. What was the next communication you received with regard to the expeditionary army?—I got a demi-official letter from Dr. Smith, dated the 13th of February 1854, desiring me to prepare for a force of 10,000 men.

624. Have you the official letter appointing you?—Yes; that is the 18th of February.

625. Will you put it in?—

[*The same was delivered in and read, as follows:*]

Army and Ordnance Medical Department,
18 February 1854.

Sir,

I HAVE the honour to submit, that Dr. Burrell, staff surgeon of the 1st class, and now serving at Malta, be approved as principal medical officer for the expeditionary force about to proceed up the Mediterranean, and that Lieutenant-general Fergusson, commanding the troops at Malta, be informed of this arrangement, and desired to direct Dr. Burrell to accompany the first body of troops which may sail from Malta for Constantinople; or in the event of no troops landing at Malta, that he, Dr. Burrell, shall otherwise proceed to join the force, and on arrival, he will report himself to Lord Raglan or the General commanding.

I have, &c.
(signed) *Andrew Smith*,
Director-general.

The Military Secretary, Horse Guards.

Horse Guards, 20 February 1854.

Sir,

IN transmitting to you the accompanying copy of a letter from the Director-general of the Army and Ordnance Medical Department regarding Dr. Burrell (staff-surgeon of the 1st class), I am directed to acquaint you, that the General Commanding-in-Chief has approved of this officer's appointment, as therein stated, to the medical charge of the troops proceeding up the Mediterranean, and I have to request that you will have the goodness to cause instructions to be issued to Dr. Burrell, in accordance with Dr. Smith's wishes.

I have, &c.
(signed) *Richard Airey.*

Lieutenant-general Fergusson, C. B.
Commanding the Troops, Malta.

626. Did you infer that appointment to be temporary or otherwise conditional?—In the first letter of the 13th of February Dr. Smith mentions that there is a great deal of confusion with regard to the principal medical officer. Then on the 18th he writes the official letter which has been read. It appeared to me that all doubt was then at an end, and with regard to the principal medical officer, that that letter was perfectly unqualified.

627. Therefore you did not consider that appointment to be either temporary or conditional?—I did not suppose that there were any conditions at all at that time.

628. What was the next letter?—Then on the 23d Dr. Smith wrote a demi-official letter to say that there was a talk of the force becoming augmented, and in that case it would become the charge of an inspector-general. I had no objection to that at all, and I fully expected that an inspector-general would be brought out, and I was prepared for that.

629. Sir *H. Davie.*] That letter was one week after the first?—The first demi-official letter was on the 13th, the official letter on the 18th, and the other demi-official letter on the 23d, announcing that in all probability the force was to be augmented, and that it would then become the charge of an inspector-general.

630. *Chairman.*] When did you leave Malta?—I left Malta in April.

631. Where did you go from Malta?—I went to Scutari direct.

632. Did you accompany the army from Malta to Scutari?—I went up with Lord Raglan when he arrived from England. The army went in detail to Gallipoli, and we did not know, in fact, that any part of the army had gone to Scutari till about the 10th of April. As soon as I heard that, I was prepared to proceed immediately, but I could not get a passage till the 25th of April.

633. Then did you go to Scutari?—Then I went direct to Scutari.

634. How long did you remain at Scutari?—I remained till the 26th of May.

635. On

635. On the 26th of May where did you go?—I was removed by General Orders, and returned to England.

636. Will you state what correspondence happened between your arrival at Scutari and your return to England?—A few days after my arrival at Scutari I received this letter, which was intended by Dr. Smith to have reached me at Malta. I believe it was almost in Malta at the time that I sailed.

637. What is the date?—The 15th of April.

638. Is it an official letter?—It is an official letter.

639. Will you put it in?—

[*The same was delivered in and read, as follows:*]

Army and Ordnance Medical Department,
15 April 1854.

Sir,

AGREEABLY with the wish expressed in your official letter, under date 16th March last, and your private one of 1st instant, I have the honour to inform you that I have recommended that your promotion to the rank of Deputy Inspector-general of Hospitals be cancelled, and that you be permitted to retire on half-pay, as a staff surgeon of the 1st class.

Should this communication reach you at Malta, it will not be necessary for you to proceed to Gallipoli, as a deputy inspector-general of hospitals will start this evening for that station, travelling *viâ* Trieste.

Staff-surgeon of the 1st Class Dr. Armstrong has been ordered to succeed you at Malta, and the moment he arrives and takes over charge, you may leave for this country.

In conclusion, I sincerely regret that you have compelled me to find you the opportunity of thus retiring from the service. I wish you had acted otherwise.

I have, &c.
(signed) *Andrew Smith*,
Director-general.

Dr. Burrell,
Deputy Inspector-general, Malta.

640. Mr. *Peel.*] When did you receive the letter of Dr. Smith, informing you that you were appointed to the expeditionary army going to the East?—About the 1st of March.

641. When did you actually leave Malta for Scutari?—The 25th of April.

642. What is the explanation of the long interval of two months between your receiving the order to proceed and actually proceeding?—The first part of the force did not leave Malta till the 30th of March.

643. Consequently you could not, under any circumstances, have gone before the 30th of March?—It was not considered advisable by General Fergusson, because the bulk of the force was still in Malta.

644. How do you account for the interval between the 30th of March and the 25th of April?—The troops were gradually going; the bulk of them were not out of Malta before the 10th of April; I then looked out for a passage, and they could not give me one till the 25th.

645. Why could not they give you a passage?—Until the 10th of April it was not ascertained what was the actual head-quarters; all the regiments at Malta, up to the 10th of April, proceeded to Gallipoli, but on that date we ascertained that some of them had gone to Scutari.

646. You were acting under superior orders in remaining from the 1st of March to the 25th of April before you actually proceeded to Scutari?—Yes; there are letters to show why I remained. There is a question from Dr. Smith, and my answer to that question.

647. *Chairman.*] In that interval what communications passed between you and Dr. Smith?—By a letter of the 2d of March Dr. Hall was nominated by Dr. Smith to supersede me.

648. How do you know that?—By a letter of the 2d of March.

649. Was that an official letter?—No, a demi-official letter.

650. Sir *J. Trollope.*] When were you apprised that Dr. Hall had been so nominated?—I cannot say exactly.

651. What was the rank of Dr. Hall at that time?—Deputy inspector.

652. Was that your rank at the time?—Not then; I was about to be appointed.

653. Were you his junior?—I was his senior in the service, but junior in rank.

654. He was then a deputy-inspector of hospitals?—He was a deputy-inspector.

W. H. Burrell, Esq., M. D.

8 May 1856.

655. Were you not told by Dr. Smith, in one of the letters you have quoted, that you were to be superseded by a gentleman who was an inspector of hospitals?—Yes.

656. Then that was not borne out by the appointment of Dr. Hall?—Certainly not.

657. Was it in consequence of the appointment of Dr. Hall that you tendered your resignation?—Entirely.

658. *Chairman.*] Will you state in what respect you considered your grievance to be of sufficient magnitude to induce you to tender your resignation upon the appointment of Dr. Hall to supersede you, when you state that he was senior to you in rank?—He was senior to me in rank because he was a deputy-inspector; but he was junior to me in standing in the service, inasmuch as in the Gazette of the 24th of June 1815 he stands five or six below me. So he was my junior in the service.

659. Colonel *North.*] Was he gazetted on the same day?—He was; on the 24th of June 1815.

660. At the time of which you have now been speaking, you were a staff surgeon of the first class, and Dr. Hall was a deputy-inspector of hospitals?—Quite so.

661. And you resigned because you did not wish a deputy-inspector of hospitals to be placed over your head?—Quite so; Dr. Smith intimated that the charge would become that of an inspector-general; but instead of bringing an inspector-general he brings Dr. Hall, and promotes him on the 24th of March 1854, the same day on which he promoted me to be deputy-inspector. More than that, he travelled out of the usual field of promotion by going to India for the principal medical officer for the army in the Crimea. Now Sir James M'Grigor for years, in order to extend the field of promotion, restricted the officers in India to that field, and left them there, and made them look to that field; and those who came home from India in bad health were put on to half-pay, and not employed in Europe.

662. If Dr. Smith had promoted you from staff surgeon of the first class to be a deputy inspector of hospitals, still you could not have held the chief appointment in that army, which was to be held by an inspector-general?—There is no rule for that. Dr. French went through the whole of the Chinese war.

663. I understand you to say that Dr. Smith said that an inspector-general was to be at the head of that army?—But he did not bring an inspector-general there; he brought a deputy inspector.

664. But he promoted him to be an inspector-general. You would not have remained at the head of that army, he having determined that an inspector-general should be at the head of it?—I do not know that there is any regulation for that. I should have been glad to have served as a staff surgeon.

665. Mr. *Peel.*] I understand that you wrote a resignation to Dr. Smith, in which all this is stated?—Yes.

666. Will you read the letter?—"Malta, 16 March 1854. Sir,—Your official letter of 18th February to the Military Secretary, in which my name is submitted as principal medical officer 'for the expeditionary force about to proceed up the Mediterranean,' led me to believe that, under any augmentation, I should be considered competent to the medical charge of that army. Finding, however, by your communication, received this day, that I am to be superseded by an officer not only of the same standing as myself, and who has had a large share of the rewards of the department, but that he is to be brought from India to reap the fruits of a quarter of the world which others have confidently looked forward to as their right, I beg to decline the small recompense now intended for many years of zealous and, I flatter myself, useful service. In consequence of the above change in your arrangements, I have the honour to request you will immediately submit my name to the Right Honourable the Secretary at War for retirement from the service, in my present rank, agreeably to the War Office Warrant applicable to officers of my standing, and hope it may be convenient for you to relieve me from my present charge without delay."

667. That was a letter from you to Dr. Smith, in answer to one which you received from Dr. Smith?—A demi-official letter, stating that he had nominated Dr. Hall to the charge to supersede me, on the receipt of which I wrote this official letter.

668. Mr. *Noel.*] According to the rules of the service, must not you serve a year as deputy inspector before being promoted inspector-general?—That has not been observed since the war began.

669. Sir *H. Davie.*] You have spoken of official and of "demi-official" letters. Will you explain what you mean by "demi-official;" is it partly private, and partly authorising you to act in an official capacity?—The letters are on official matters, but what we call "demi-official," or perhaps they might be called "private;" but at the same time, there is nothing secret in them; they are all about the expedition. But Dr. Smith and myself were early friends, and we had been on very familiar terms; and I suppose in the hurry of business he preferred probably this form of letter.

670. Are they letters which you consider yourself authorised to put in with Dr. Smith's sanction?—They contain official matters entirely. I merely allude to them; I do not wish to put them in.

671. Colonel *Boldero.*] Are they marked "private"?—No.

672. You have no objection to put them in?—None at all. There are some that I wrote after I resigned, which had probably better not become public documents.

673. Mr. *Peel.*] Will you read the answer which you received to your letter tendering your resignation?—I would rather not read that letter, because it is remonstrating in a friendly way; it is rather a private letter than otherwise; but there is the official letter. Indeed, I think the official letters on the subject would be sufficient to furnish all the information. The official letter in reply to mine is the letter of the 15th of April 1854, which has been read already.

674. I understand from the letter, that as far as regards the Army Medical Department in this country, of which you were a member, your appointment as principal medical officer of the army was at an end; that your appointment of deputy inspector-general was cancelled, and that you were to be removed from the appointment at Malta as soon as Dr. Armstrong arrived there?—Yes.

675. *Chairman.*] What course did the Commander-in-Chief take upon the arrival of that letter?—This letter was received at Scutari on the 2d or 3d of May. I immediately forwarded it to the Military Secretary for the consideration of Lord Raglan, and Lord Raglan put the following remark on the margin: "Who will be the senior medical officer here, if Dr. Burrell goes away before the arrival of Dr. Hall?" The reply to that was, that Dr. Dumbreck would be the senior medical officer.

676. What step was taken then by the Military Secretary?—There was a question from the Military Secretary on the 16th of May: "Sir,—I am directed by the Commander of the Forces to request you will inform me in the event of your going away before the arrival of Dr. Hall, who will be the senior medical officer in charge." The reply to the above was, that Dr. Dumbreck would be the senior medical officer. On the 19th of May the following was received from the Military Secretary: "Dear Dr. Burrell,—Can you inform me when Dr. Hall may be expected?" To which I made the following reply: "Dear Colonel,—In reply to your note of yesterday, I am unable to inform you when Dr. Hall may be expected to arrive."

677. What happened after that?—Then I continued in charge of the force until such time as a peremptory order arrived from the Commander-in-Chief, Lord Hardinge, to relieve me from duty with the army, in consequence of the representation of Dr. Smith. I also got a letter at the same time.

678. Have you the letter from Lord Hardinge?—I have the general order which removed me from the force.

679. Mr. *Peel.*] Will you read it?—"General Orders. Deputy Adjutant-General's Office, Head-quarters, Scutari, 26 May 1854.—(No. 2.)—The following distribution of medical officers will take place from this date. Dr. Burrell being under orders to leave this station, Deputy Inspector of Hospitals, Dr. Dumbreck, M. D., will take charge of the medical department, and act as principal medical officer until the arrival of Inspector-general of Hospitals, Dr. Hall."

680. *Chairman.*] Upon that you came home?—Upon that I applied for a passage and left Scutari for Marseilles.

681. Upon the receipt of that letter from the Director-general could you have returned home without a communication with the Commander-in-Chief?—Certainly not.

W. H. Burrell, Esq., M. D.

8 May 1856.

682. What was necessary on the part of the military authorities out there to authorise you to return home?—I had no order except the letter which has been read.

683. You continued, according to the usage of the service, to exercise your functions till you were ordered to return by Lord Raglan?—Exactly. I was in the predicament of acting for some time as staff surgeon of the first class after my appointment as deputy inspector had been cancelled, with two officers upon the spot senior to me in rank, namely, Drs. Dumbreck and Linton.

684. Mr. *Peel.*] When was your appointment as deputy inspector cancelled?—It was cancelled, according to that letter which I received from Dr. Smith, two or three days after I arrived in Scutari; but it did not take effect, according to usage, till the Commander-in-Chief approved, so as to put it in a general order; and he did not approve till he received a peremptory order from Lord Hardinge to relieve me from service with the army. Then the general order was issued which I have put in.

685. Were you ever gazetted as deputy inspector-general?—I was.

686. Was that notification cancelled?—It was cancelled.

687. When?—I do not know, because Dr. Smith does not mention that in his letter.

688. Till it was cancelled you continued a deputy inspector-general?—Yes.

689. Therefore you were not in reality serving above two officers seniors to you in rank?—Dr. Smith notified to me that my appointment was cancelled, and the Gazette also arrived, notifying the same, that my appointment had been cancelled; but I would not resign my charge till Lord Raglan put me in the general orders; because a Gazette is not effectual till put in general orders.

690. Sir *J. Trollope.*] Were Drs. Dumbreck and Linton at that time in Scutari?—They were at Scutari.

691. Were they in any charge?—In charge of divisions.

692. Then, in fact, they were acting in a subordinate capacity to yourself, though seniors in rank?—Quite so.

693. Dr. Smith has stated that he sent three medical gentlemen to examine the sanitary condition of the country, and that he named yourself as one; is that a mistake?—Quite so.

694. By "Dr. Burrell" he must have meant Dr. Linton?—He must have meant Dr. Linton.

695. Had those gentlemen made that examination of the country at the time that they came to Scutari and received charge of the divisions?—They had finished it, and I found them all at Scutari when I arrived from Malta.

696. Are you aware what examination they had made of the country?—I do not remember the particulars.

697. Was any report made to you?—The reports were handed to me. Dr. Smith's order was, that one copy should be forwarded home, and another given to the principal medical officer of the army; but I had not time to read them.

698. You never read them?—No.

699. At any time whilst you were at Scutari did you make an examination of the condition of the barracks and other buildings which were handed over to you as hospitals?—Yes.

700. Did you make a special report to Dr. Smith upon the state of those buildings?—I do not think I made a special report; but I think I alluded in a letter, about the 8th of May, to the general sanitary condition, or rather the general sanitary defects, of Scutari.

701. Did you point out in that letter what you thought necessary to be done?—No, I think not. That was left to be inferred from what I stated.

702. *Chairman.*] Was that an official letter?—It was.

703. Sir *J. Trollope.*] In consequence of the short time that you remained in the country, you were not aware whether measures were taken to remedy those defects?—I am not aware.

704. Mr. *Peel.*] You originated no measures for that purpose yourself?—It was impossible; the departments were not organized while I was at Scutari, and no radical measures could be taken; but we had an immense force of fatigue men, amounting to 300 or 400 daily. We had upwards of 50 for the General Hospital alone, in order to flush the privies, which were in a dreadful state;

state; and but for that, in fact, there would have been no living either in the barracks or in the hospitals.

705. Sir *J. Trollope.*] Did you receive the buildings in a very filthy condition?—The barrack was in a most filthy condition; the hospital was very clean. The Turkish part of the hospital occupied by the Turks was remarkably clean; much cleaner than I expected.

706. The fatigue party of 300 or 400 men that you spoke of were employed in general cleansing purposes?—Entirely; we had 50 in the General Hospital twice a day.

707. But you had no pressure of sickness while the army remained at Scutari?—We had very little; we had about the average per centage. When I gave over the army we had about four or four and a half per cent.

708. Is that greater than the average amount of sickness at home?—Yes, rather greater; a little above the average; but you may consider an army fairly healthy with four per cent.

709. With regard to your appointment, I understand you to say, that if you had continued with the army as deputy inspector of hospitals, and a gentleman of higher rank, that is to say an inspector-general, had been placed over you, you would have considered it your duty to remain with the army?—Certainly; if my senior in rank or senior in standing had been brought out, I should have willingly served under him.

710. But the feeling that caused your resignation was entirely owing to a gentleman who started at the same time in life with you, but who was, in fact, your senior in army rank at the time, being appointed over you?—It was not altogether that. That was only a crowning blow to what I had suffered before. I considered that I had been passed over twice in 1852, and once in the beginning of 1854. In fact, according to a letter I had from Dr. Smith in January 1854, three months before the expedition, I appeared to stand first on his list for promotion; so that at the time of the expedition I was virtually a deputy inspector.

711. Was Dr. Hall promoted over your head in 1854, or at what period?—No. There was an officer promoted in March 1852 who was two years and a half junior to me in rank, but senior in standing; and in August another was promoted who was eighteen months junior to me in rank, but also senior in standing in the service. I took no notice of this. But in January 1854, three months before the expedition, Dr. Smith changed from the test employed in 1852, namely, standing, to that of rank, and promoted an officer three months my junior in standing; so that in the course of two years I was held to be ineligible on the score of standing and rank, and even possession did not give me security.

712. You have stated that there was a rule in the service, which was always adhered to formerly, till Dr. Smith became Director-general, namely, that medical officers should not be transferred by promotion to stations east or west of the Cape of Good Hope, drawing a line as regarded the service at that point?—That was the practice of Sir James M'Grigor for 40 years, all the time I have been in the service. Medical officers have always looked forward to officers in India getting promoted there, and not coming home. That was considered a lucrative and desirable field, and many men made money there, and, in fact, wished to remain; and therefore Sir James M'Grigor, in order, as it appeared to me, to extend the chances of promotion, kept men in India.

713. Is it the fact that Dr. Smith, the Director-general, offered you an appointment at Bombay after you had been superseded at Scutari?—Certainly.

714. With the rank of deputy inspector?—Yes.

715. At what period was that tender of service made to you?—The 22d of March.

716. Had your appointment as deputy inspector been then cancelled?—No; it was not cancelled till the 28th of April.

717. What induced you to refuse to accept that appointment?—I felt that money was no compensation to me for such a slight; besides that, I had suffered from a disorder of the liver the summer before, obliging me to go to Switzerland; therefore, when this offer of Bombay came about a fortnight or three weeks after Dr. Smith nominated Dr. Hall, it became a question between my wife and myself whether it was worth our while to go to Bombay to save 2,000 *l.* or

W. H. Burrell, Esq., M. D.

8 May 1856.

3,000 *l.* at our age. I should have run every risk for the expedition, but I did not feel inclined to run any risk for Bombay.

718. The pecuniary remuneration of the appointment at Bombay was much larger than you would have got out of the appointment in the Crimea?—Certainly.

719. It was not any consideration of that sort that prompted you to decline it, but it was partly on account of the slight put upon you, as you considered, and partly on account of your health?—Certainly; it was the least acceptable appointment that Dr. Smith could have offered to me, on account of my health.

720. Was the appointment he offered to you the same from which he withdrew Dr. Hall?—Yes.

721. Then, in fact, it was exchanging you from an active position in the expeditionary army to a post in India, the only recommendation of which was its pecuniary advantages?—Exactly.

722. And you felt that your feelings were deeply involved in the expeditionary army?—Exactly.

723. Sir *H. Davie.*] But still it was promotion that was offered to you?—I should have been deputy inspector, the same as Dr. Smith intended me to be in the expedition.

724. Sir *J. Trollope.*] Your appointment as deputy inspector-general would not have been cancelled if you had accepted the appointment to India?—Just so.

725. Mr. *Peel.*] Had you had time to accept it before your appointment as deputy inspector-general was cancelled?—Yes, clearly.

726. Mr. *Bellew.*] Are you aware upon whose recommendation appointments in your service are made or cancelled?—They must be recommended by the Director-general, and they must be cancelled under the authority of the Commander-in-Chief. They cannot be cancelled without military authority.

727. *Chairman.*] Have you anything further to state with regard to your appointment and subsequent resignation?—Nothing further than to say, that I felt what I call the slight peculiarly, inasmuch as by Dr. Smith's new arrangement, I was deprived of the possession of half my income; and I was to be the only medical officer who was not to benefit by the expedition. For according to Dr. Smith's letter, which I have alluded to, in January, a private letter, I appeared to be the first on his list for promotion; therefore at the time of the expedition I was virtually deputy inspector.

728. Can you state any inconvenience that arose to the army or to the service from your appointment and subsequent withdrawal from the service?—I am not aware of any.

729. Mr. *Bellew.*] Would it have been a course contrary to the usage of the service to have appointed you from deputy inspector, when the force was increased in the East, to the post of inspector-general?—It would have been a very great stretch, but it appeared to me that it was not at all necessary. The Commander-in-Chief set Dr. Smith a very good example upon that point by making so many brigadiers, looking not to rank, but to fitness; and there were precedents of men of all ranks being principal medical officers in the field.

730. Colonel *Boldero.*] I understand you to say, that you were gazetted as deputy inspector, and that that appointment was cancelled, because you refused to act under Dr. Hall, your superior officer in rank?—I begged to decline under such circumstances; I submitted to Dr. Smith my resignation, and requested that he might submit it to the Commander-in-Chief for approval, which he did. Of course if the Commander-in-Chief had not approved, or Dr. Smith had not approved, I should have gone.

731. Had Dr. Smith power to refuse your application to retire?—I question whether he had or not; because 10 years before, I had acquired a right to retire from the service.

732. After how many years' service had you that right?—Twenty-five years, and 30 years; but I had eight years more than 30 years at that time.

733. How many medical officers serving with the army of the East had the power of resigning under the regulation to which you have just referred?—I should say very few indeed; they were generally all under the time that the regulation required. Some had the power of resigning at 25 years' service; but very few, I should think, above that.

734. Can you give any idea of the number?—No, I cannot.

735. Do you think you have served either your own interests or those of the army

army by coming home?—I consider that I put the army to no inconvenience by retiring; I sent in my resignation on the 26th of March, when there were neither stores, nor even a staff in Malta to organize.

736. But the greater the difficulties, the more important it was to have there a gentleman of great ability and activity like yourself?—There were no difficulties at the time I sent in my resignation; and if Dr. Smith had not cancelled my appointment, I should have been with the army till Dr. Hall's arrival, and probably should have continued with it.

737. *Chairman.*] What is your opinion of the first examination upon entering the army as surgeon?—I think it is not sufficiently searching; it is too superficial.

738. Have you been an examiner yourself?—I have.

739. In what respects do you think that the examination is too superficial, or too limited?—I think it is a test of respectable education, but it is no check to the admission of mediocre talent.

740. Do you think that it should be competitive?—I think it should be competitive.

741. Is that the course now?—No, never.

742. Does it embrace medicine as well as surgery sufficiently?—The whole range of medical knowledge.

743. Then will you state in what respects you think it is deficient; is it merely that it is superficial?—It is not sufficiently searching; it may be a criterion of respectable professional education, but nothing more; and it is no check to the admission of very mediocre talent.

744. Is it entirely pen and ink, or is it partly *vivâ voce*?—It is entirely *vivâ voce*.

745. Do you test their knowledge of drugs by bringing the drugs before them?—I think not.

746. Do you test their knowledge of surgery by requiring them to perform an operation upon a human subject?—No.

747. Do you think it would be desirable to have that?—That could not be done conveniently, unless they were examined at a general hospital, such as Chatham, or the new establishment at Southampton.

748. Do you think that the advantages of such an examination would outweigh the difficulties?—Certainly; it would be very desirable indeed.

749. It is done in some hospitals now, is it not?—Certainly; in France.

750. Where do the examinations of candidates for admission take place?—At the Medical Board.

751. Do scholars from Dublin, Edinburgh, and London come for examination?—Yes.

752. From any other schools?—I think not; I think not from any foreign schools.

753. You do not recollect any other schools from which they are examined for admission to the Army Medical Department?—No.

754. Do you know the length of time that is required at those schools for the purpose of study?—I believe about three to four or five years.

755. Mr. *Peel.*] Do you mean that candidates not coming from one of those schools would practically be inadmissible into the Army Medical Service?—I cannot say that, but I should think they would; I should think that unless they came from an equally approved school, they would not be received.

756. If they came from an equally approved school, they would be eligible?—I should say they would.

757. Therefore your previous answer is not correct, that a candidate must have passed through one or other of those three schools?—No; I meant to say, that I do not remember any other schools which are approved than those three schools.

758. Colonel *Boldero.*] Would not a candidate from Aberdeen be eligible?—I do not know as to a surgeon's diploma; I suspect not.

759. Mr. *Bellew.*] Would a candidate presenting himself who had been educated in Paris be rejected?—I imagine he would. Though he might have got an equally good education, he would not, perhaps, have gone through the particular education required for our Army Medical Department.

760. Mr. *Peel.*] But you have no positive reason for saying so?—No, I have none.

W. H. Burrell, Esq., M. D.

8 May 1856.

761. Sir *H. Davie.*] When you say that you think that the examinations for admission ought to be competitive, do you mean that answer to apply to the period of war as well as of peace?—I think you could scarcely apply it in war strictly, but in peace certainly, inasmuch as you would have a greater number of candidates to select from.

762. In time of war, for example during the late war, was there not some difficulty even in getting the junior members of the profession?—Yes.

763. Therefore that public competition would not have been practicable?—No.

764. *Chairman.*] Do you think, as far as your experience goes, that the better and more promising class of medical students are candidates for admission into the military service, or do they generally resort to the civil branch of the profession?—The superior class of students certainly do not come into the army.

765. Then, under the working of the present system, as far as the first admission goes, we get in the army an inferior class of men, upon the whole?—Yes; at least, not the highest order of talent; but not an inferior class of men.

766. Sir *J. Trollope.*] The fact is, that the service does not offer sufficient inducement for scholars of high capacity to tender themselves; is that what you mean?—Certainly.

767. Mr. *C. Legh.*] You are well acquainted with the present system of the first initiatory examination. Is it not sufficient, in the first instance, to bring a certificate from the College of Surgeons?—It is.

768. Then, in regard to medicine, or the mixing of drugs, is any means taken by the examiners to assure themselves that the candidate is proficient in that department?—I have not seen it.

769. Nothing of the sort?—No.

770. For instance, supposing a person comes who has a certificate of the College of Surgeons, would he be called upon to state what the drugs were in his examination before the Board?—Not that I have seen.

771. Would there be any means taken to ascertain his proficiency; in botany, for instance?—No, except by examination.

772. And the examination is *vivâ voce*?—*Vivâ voce.*

773. Are there no written questions?—There are translations of Latin authors.

774. Are there any printed questions for candidates?—No.

775. So that there is no danger of the examination becoming a sort of cramming?—That very much depends upon the examiners whether they vary their questions; because if they continue the same questions, the students are apt to get hold of them by some means.

776. Is that practically the case?—I fear it is, occasionally.

777. Is the examination practically applied to all individuals pretty nearly the same, or is it a general examination to ascertain the real proficiencies of the candidate?—I think there is great sameness in it. It is chiefly upon three subjects—anatomy, surgery, and materia medica or pharmacy.

778. Sir *H. Davie.*] Would the sort of examination you would have, supposing it to be competitive, be an examination similar to that which is pursued by the East India Company upon the admission of medical officers to their service?—Quite so; or the same that takes place in France, what they call the "Concours."

779. While the Queen's service had difficulties in getting medical officers, are you aware whether the East India Company ever had difficulty in getting junior officers for their medical service?—Not so much, I believe.

780. Colonel *North.*] Do you believe that the pay of the medical officers of the army is sufficiently remunerative, beginning with the assistant-surgeons?—I certainly think the assistant-surgeons are not adequately paid; and you will never have a superior class of men unless the first rank is better paid.

781. You think that if the pay was increased with regard to them, you would have a better class of candidates for the army?—Certainly I think so; you would have a greater number of candidates; and if you had the appointments put up to competition, you would have a superior class of men.

782. Colonel *Boldero.*] Does it ever happen that young men who are admitted as assistant-surgeons, after examination turn out inefficient?—Occasionally they do not turn out well; we must expect to have idlers and do-littles, and so on.

783. I mean

783. I mean rather as to their qualifications?—That varies very much. Of course very much depends upon a person's experience, or abilities for judging of the qualifications of others.

784. Then the examination is not sufficiently stringent?—I would say not; but you will not get better as long as the pay is so small.

785. Sir *J. Trollope.*] To go to the next rank, what rule has been observed in promotion; has it been by seniority, or by selection?—Entirely by selection, since I have been in the service.

786. At whose discretion?—At the discretion of the Director-general; it is entirely in the hands of the Director-general.

787. Was not the power now possessed by the Director-general formerly centred in a Board?—It was when I entered the service.

788. And for some years afterwards?—I cannot say how many; two or three years, I think.

789. Do you think that mode of administering the Medical Department of the Army preferable to the present one of a Director-general?—I do.

790. You say that the appointment of a regimental surgeon out of the body of assistant-surgeons is entirely by selection?—There always has been due weight given to rank and to standing; but it is no certain security to a man to have either rank or service unless he has also the approbation of the Director-general, and there has been nothing against him in the course of his service; otherwise his rank and service may go for nothing.

791. Then, in fact, there is no certain rule for an assistant-surgeon's promotion except the will and pleasure of the Director-general?—No; except the usage and weight he may give to the service of officers of a certain standing.

792. But that is voluntary on his part?—Yes; but at the same time, of course, for his own character, he will not disregard it.

793. There is no sort of examination after the first appointment; a medical officer is in no way examined as to his fitness, or his knowledge, or acquirements, at any subsequent stage?—Not any.

794. *Chairman.*] There was at one time, was there not?—There was.

795. Will you state why it was discontinued?—The department generally were very impatient of it; it was invidious, and I would say insulting to some men in the service.

796. Mr. *Peel.*] Was an officer brought home for the purpose of being subject to that examination?—No; he was generally examined on the spot.

797. By whom?—By three senior officers.

798. An assistant-surgeon must serve a certain length of time before he is eligible to be a regimental surgeon?—Yes. I believe by the regulation, five years.

799. Therefore there is that check on the power of the Director-general as to promotion?—Yes.

800. *Chairman.*] What is the shortest time you have known an assistant-surgeon serve before he was made surgeon?—I think some have been promoted in six or seven years.

801. What is the longest time?—Before the Commission in 1840, which gave 40 additional surgeons to the department, I think there was a list then submitted to the Commission of the last 40 assistant-surgeons promoted, and their services ranged from 22 to 27 years, and the ages from somewhere about 45 to 60.

802. Have you any suggestion to make on the subject of a subsequent examination?—I would say that if the first examination is sufficiently stringent, there ought to be no second examination, except for rewards. If you held out a reward for competitive examinations at a subsequent period, I dare say it would do a great deal of good.

803. You mean leaving it optional to the army medical officers to compete for those rewards or not, as they may think proper?—Leaving it to officers of certain standing to compete, say for every fourth or fifth vacancy, or whatever number of vacancies may be fixed; to say that every fourth or fifth vacancy should be put up to competition for officers of a certain standing.

804. Sir *J. Trollope.*] Speaking of assistant-surgeons, supposing a young gentleman joins who has only just completed his studies, does not he derive great advantage afterwards from the practice he sees in the regimental hospital,

W. H. Burrell, Esq., M.D.

8 May 1856.

and from the advice and assistance he receives from his seniors?—Certainly; I consider a regiment the best school for an assistant-surgeon.

805. For a young man to work his way up in the profession?—The best school.

806. Mr. *Peel.*] Is an assistant-surgeon allowed to join a regiment immediately after completing his studies?—Now he is; he was not in my early days. I was not eligible to join a regiment till I was promoted surgeon.

807. Is a person appointed assistant-surgeon allowed to join a regiment without going through any course in a general hospital?—Certainly.

808. Colonel *North.*] Do you approve of the class of persons now appointed called dispensers of medicines?—I do not know how necessary they may be in war, but I should say in time of peace they would certainly be *de trop.*

809. Sir *J. Trollope.*] Was it not formerly the practice, when young men were candidates for appointments in the army, that they were sent to Chatham for some months before they were permitted to join a regiment?—It was.

810. Is it still the practice?—I believe it is.

811. Mr. *Peel.*] Then were you correct in your previous answer, that they are allowed to join their regiment immediately after passing their examination?—No, a young man goes to Fort Pitt first; I understood the question to be whether he was not allowed to hold a commission of regimental assistant-surgeon as soon as he has passed his examination. He holds his commission, but generally speaking, he is sent to Fort Pitt.

812. In point of fact, does a medical officer on passing his examination immediately join the regiment, or is he required to attend the hospital in the first instance?—Generally speaking, he goes first to Fort Pitt.

813. Colonel *North.*] Do you think it would be an improvement in the first examinations for candidates if they were to be examined at Chatham instead of London?—I think that would be a very good arrangement.

814. Sir *J. Trollope.*] In fact, should not all arrangements with respect to medical commissions be carried on at some central station, where there is a general hospital?—I think it is very desirable.

815. Is Fort Pitt, at Chatham, the most eligible place for the purpose, as it is now constituted?—I have not seen it for some years; but I believe the arrangements are all very good.

816. Supposing that an Army Medical Board were to be constituted, and to have its sittings in London, would it not be more convenient to have such a general hospital close to the metropolis?—I have not thought upon that subject.

817. Mr. *Bellew.*] You spoke just now of the benefit that would arise to the service in case of having a fourth or fifth appointment given to men who distinguished themselves in examination in competition with others; do you think it would be a good plan to have any establishment attached to the medical department in which medical officers, who desire to do, might go through a course of study, as officers of the army do now in the Senior College at Sandhurst?—I think not; I think it would not work well. An hospital for candidates, after they have undergone examination at the Medical Board, they might derive advantage from; but I think free trade in medical knowledge is very much better; I mean to say that I think it is desirable to open the appointments to all approved schools.

818. *Chairman.*] What is your opinion of the present system of confidential reports; do you think they are necessary and advantageous to the service, as at present?—The department I know is very impatient of them; but I do not see how you can well dispense with them altogether; they chiefly object to them on the score that they open the door to favouritism.

819. In what way do the confidential reports influence the position of a regimental surgeon?—Inasmuch as that if he committed himself in the opinion of the principal medical officer under whom he serves, the Director-general is competent to withhold promotion from him.

820. Colonel *North.*] You are aware that it is usual for confidential reports to be made of every officer on full pay in the service. The colonel sends a confidential report of the officers under his command, and the general sends his confidential reports of the colonels in the regiments, so that the same system applies to all. It is not a greater hardship to send confidential reports with regard to the officers in the Medical Department than it is with regard to all other

other officers in the service?—Certainly not; they are only objectionable when abused, in my opinion.

821. Sir *H. Davie.*] Then you do not disapprove of them?—I do not disapprove of them, provided they are not done in secret; that is to say, if an officer is disapproved of by the principal medical officer at the station, he should know that he is found fault with.

822. Then what becomes of the word "confidential" if that is the case?—It should be confidential; but, at the same time, it appears to me that an officer should certainly not be reported unless he has been found fault with. You may not exactly tell him the express words in which you report him; but if an officer has neglected his duty, he certainly ought to be told of it by the principal medical officer of the station; otherwise he should not be reported.

823. *Chairman.*] Would not that put an end to the system of confidential reports altogether; is not a confidential report made public, a contradiction in terms?—I consider it most unfair, if an officer who has neglected his duty is not told of it, but is confidentially reported upon unfavourably, and this is brought against him 10 or 20 years afterwards, and his promotion is stopped in consequence, and probably he does not know how, or on what station.

824. Mr. *Peel.*] Is the object of those confidential reports to communicate cases of neglect of duty, or is it simply to give the Director-general a notion of the officer's general relative capacity, as compared with the other officers at the station?—They are clearly intended to inform the Director-general as to the efficiency of the officers; but, at the same time, they may enter into particulars.

825. Do they contain matters upon which a charge of neglect of duty could be grounded?—Certainly; at least, I presume they do.

826. Colonel *North.*] Must not an officer be pretty well aware, from his general conduct, and from the reprimands he has received from his commanding officer, whether or not his name is likely to be put into the confidential reports. For example, must not the adjutant of a regiment who has constantly neglected his duty be pretty confident that his commanding officer will mention that he is not a fit person to hold that appointment?—It appears to me that military officers ascertain when they have condoned, or when they are pardoned for any fault; but I have my doubts whether medical officers always know when they have condoned for errors they have committed.

827. Mr. *Bellew.*] Can you call to mind any case in which a man has been unfairly treated, in the opinion of his brother medical officers, in consequence of these confidential reports?—I am not sufficiently acquainted with all the circumstances to enable me to particularise; but I have some reason to have a suspicion that a good deal of injustice has been done, although unintentionally, by confidential reports, to very respectable and good officers.

828. Do you believe that if an officer was unfavourably reported upon, and he wrote to head-quarters to Dr. Smith to know what was against him, it would be the habit of the department to inform the officer, though perhaps not in the precise terms, what the charges against him were?—Yes; I should say that that would be generally conceded.

829. Colonel *Boldero.*] As the principal medical officer at each station, in his confidential reports, refers to the moral characters and abilities of the young men under him, do not these reports in fact supersede the necessity of a second examination?—It only amounts to a report as to good conduct; but an officer may be exceedingly well conducted, may never commit himself, and never be reported upon unfavourably, and yet may be very mediocre as to talent; by confidential reports you cannot ascertain what a man's abilities really are.

830. *Chairman.*] May not this case occur, that in the instance of any particular disease with respect to which the faculty may reasonably differ as to its treatment, the treatment which a junior officer may pursue according to his own convictions may be wrong treatment in the opinion of the principal medical officer, and he may consequently report against the junior medical officer as to his mode of treatment, although subsequent scientific discoveries may prove that the course so reported against was the proper course; but an unfavourable mark is affixed to the young surgeon's name, in consequence of a confidential report of which he never knows?—That is possible, but it would be a very unjustifiable thing.

831. Sir *J. Trollope.*] Is not the whole *praxis* of a military surgeon open to inspection in the military hospital books?—Quite so.

W. H. Burrell, Esq., M. D.

8 May 1856.

832. At any time it may be investigated, and it is the duty of the inspector so to investigate it?—It is.

833. Therefore, if there is anything out of the usual course of practice, or not approved of by the superior medical authorities, it would be at once corrected?—It would be seen if there were anything outrageous.

834. Those books are kept in the most minute form?—They are well kept, and regularly kept.

835. Sir *H. Davie.*] Would not any neglect towards an individual soldier come to the cognizance of the superior officer?—It is possible for those books to be apparently very regularly and well kept, and yet for the officer to be a very bad and neglectful officer. They are no criterion at all.

836. Is not every regimental hospital visited by an officer of the regiment every day?—By a military officer.

837. And if there was any neglect of an individual soldier, it would come to his cognizance?—Certainly.

838. It would be part of his duty every day to ask the soldiers whether they had any complaints?—Certainly.

839. Mr. *Bellew.*] Have you ever known of a case of a regimental surgeon or assistant-surgeon having been put upon half-pay for medical incapacity?—Yes, I think so.

840. How did a knowledge of that medical incapacity reach the authorities who found it necessary to place him on half-pay?—I have only one case at this moment in my eye, of the surgeon of a regiment; you may call it incapacity, or you may call it cruelty: it was a case of great misconduct in relation to cholera in his regiment; I do not know what to call it, whether desertion, or cruelty, or incapacity; but I believe he was obliged to leave the service, or he was brought to a court-martial.

841. In the case of a regimental surgeon or assistant-surgeon being reported by the principal medical officer or other authority for medical incapacity, are you aware what course would be taken?—Dr. Smith would make further inquiry into it, and if it was serious would take measures accordingly.

842. If a charge is preferred against a regimental medical officer, what course is it usual to take in order to find out whether that charge is well founded or not. Supposing, for instance, the colonel of a regiment were to report to Dr. Andrew Smith, in the absence of the evidence of the principal medical officer, were to report that he conceived that the surgeon of his regiment, either from age or length of service, or from any other reason, was medically incapable of fulfilling his duties; what course would be taken with respect to that?—His course, as commanding officer of the regiment, would be to report to the Commander-in-Chief, and the Commander-in-Chief would communicate with Dr. Smith.

843. Then what course would be taken?—A medical Board would be assembled if the charges were not heavy enough for a court-martial.

844. Supposing the charge was medical incapacity?—There would be a medical Board probably to inquire into his case, and to see whether the medical officer was of sound mind, or whether he was otherwise medically incapable.

845. Sir *J. Trollope.*] Has not the medical officer in charge of a regiment or a hospital very often considerable difficulty in making his requisitions for medicines and medical comforts required for the sick, in consequence of the number of hands through which the requisition has to go?—I am not aware. I have heard of such things during the war; but in time of peace we have not encountered difficulties of that kind. I have heard of such things occurring in general hospitals in this country before the war; a difficulty in procuring medicines, and so on.

846. Did not such difficulties occur at the outset of the late campaign. For instance, did you not land at Scutari with scarcely any supply of medicines?—We had none at all, except what were with the regiments.

847. And the regimental stores were very small, were they not?—The regimental stores were complete, as far as the stores at Malta would enable me to complete the regimental chests when the regiments left for Gallipoli; but until about the end of May, in fact, till the army was on the eve of departure for Varna, the stores from England had not arrived.

848. Then were the stores which you took to Constantinople mainly supplied from those that were in store at Malta?—All the medical stores that we had were in the possession of the regiments; and, in fact, we were awaiting at Constantinople

stantinople the arrival of stores until the end of May. We could not establish general hospitals until the stores arrived.

849. Under the circumstances in which you were placed at Constantinople, had you the power to go into the bazaars and purchase medicines for the troops?—With the sanction of the Commander-in-Chief, I was empowered to do that had not the medicines arrived in time.

850. Were the individual regiments fully supplied before that time?—They had the regimental chests; but they were not all medically equipped for the field till the arrival of the stores.

851. Had they not their panniers?—Not then.

852. Were some of the regiments sent from England without their panniers?—All, with one exception, that arrived in Malta were without their panniers. The regiments that passed Malta and went on direct to Scutari or Constantinople had generally their panniers; but the regiments that arrived in Malta had not their panniers, with one exception.

853. How many panniers are there served out to each regiment?—Two; but that may be increased.

854. The panniers hold but a small supply, I presume?—Sufficient for the field.

855. For what length of time?—That I cannot say; but of course the stores are supposed to be at not a very great distance.

856. Colonel *North*.] With regard to a regimental general hospital at home, is it customary to have a certain quantity of clothing and linen attached to each bed?—There is linen in proportion to the number of beds in store.

857. Are there any shirts belonging to those beds?—Not necessarily; but I should think, in a well-provided hospital, there ought to be a supply of shirts; but soldiers are supposed to bring their shirts with them.

858. You know that the rule of the service is that a soldier has a shirt upon his back, a shirt in his knapsack, and a shirt at the wash. Supposing a poor fellow is brought into the hospital with dysentery, he has one shirt at the wash and one on his back, which perhaps, through circumstances, is very soon dirtied, and another follows the same course; what is to become of him then?—I say that a well-provided hospital ought to have a supply of shirts.

859. Upon whom depends a hospital being well provided?—It depends upon the Director-general.

860. Is it not frequently the case that in the regiments there are not shirts apportioned to the men?—I question how far that would be applicable to regimental hospitals, but for general hospitals it is certainly necessary.

861. Do not you think it is still more required in regimental hospitals; is it not desirable, that upon a soldier going into the hospital the whole of his kit should be taken from him, and that the linen he used during the time he was in the hospital should be provided by the hospital?—I think it would be a very good regulation.

862. *Chairman*.] You are aware that it is so now at Scutari?—It is so now. I should recommend it, certainly.

863. Colonel *North*.] You are aware that it frequently happens that when tea is given to a sick soldier it is brought to him in some can or cup that has been borrowed for the purpose, and which is such as to give him a disgust against it. Would it not be desirable that proper basins or cups should be provided for the purpose, so that it should be brought to him in a way that would make the man feel pleasure in taking his tea instead of disgusting him?—Certainly.

864. *Chairman*.] Have you ever visited a naval hospital?—Yes, I have seen a naval hospital.

865. Are you aware of the arrangements there?—Yes; I think they are very good.

866. Colonel *North*.] Do not you think that it would be desirable, with regard to these regimental hospitals, to have a certain number of nurses trained for the purpose attached to each hospital?—I think for the general hospital that would be desirable. I remember there were such in the early part of my service; but they did not seem to work well; they were *de trop*; they were often drunk, and not well conducted; and I think that, for the health of a regiment, or in sickness, it would be a good regulation, that nurses might be obtained when there was any occasion for their services, such as in the West Indies.

867. You have served in the West Indies; are you aware that, about four or

W. H. Burrell, Esq., M. D.

8 May 1856.

five years ago when the yellow fever raged at Barbadoes, the officers were obliged to pay out of their pay half-a-crown for every leech that was used, and that in consequence of the number of deaths among the nurses, they were obliged to hire, at their own expense, natives to attend them; and do you consider that it is a proper system that officers of the army should be put to such an expense, or do you think that that should be provided at the expense of the department? —Certainly that ought not to be.

868. When you consider that an officer in the army has 5 *s.* 5 *d.* a day, do you consider it right and proper that things of that sort should be charged to the officers?—Certainly not.

869. With regard to the West Indies, from your experience there do you not think it might be advisable to have a trained body of nurses belonging to the different islands?—In the West Indies, I think so. But you are aware that at periods in the West Indies the troops are peculiarly healthy, as healthy as in England; the epidemics merely come now and then; therefore it might be a question whether it would be right to go to the great expense of keeping up a staff of nurses; because sometimes in the West Indies for two or three years regiments are as healthy as they are in England.

870. Take the case of an epidemic like that which broke out four years ago, when nurses were found only at the private expense of the officers; you do not think that is desirable?—Certainly not. I think it would be a very good measure to have a number of trained nurses, provided it was limited.

871. Perhaps you can speak from some experience with regard to officers who came home from the Crimea wounded; do you happen to know whether any steps were taken with regard to those officers receiving medical assistance in London during the time they were here for the inspection of the Board?—I suppose they would receive medical attendance, but I cannot speak to that myself.

872. Do not the difficulties thrown in the way of the medical officers of the army, and especially the regimental medical officers, with regard to ordering comforts for the men, by reason of the immense amount of correspondence which they have to go through in order to get those things, militate against the means of providing those comforts, which the medical officers would under other circumstances provide for the men?—It may have done so in some instances; but I think you must have a wholesome check over the expenditure of regimental hospitals; it will not do to give an unlimited power of ordering comforts without some check over it.

873. Do not you think that the check is a little too strict now?—I believe it is.

874. *Chairman.*] Was the supply of drugs upon your arrival at Malta in 1851 satisfactory?—The store was rather deficient in some articles; I found that I had to borrow a few articles.

875. What do you mean by borrowing; do you mean from a druggist in the town?—I had to get a quantity of medicine by borrowing. This was entirely a private arrangement between the apothecary to the forces and the officer in charge of the stores, not known to the principal medical officer, and of course unsanctioned by any regulation; but he found the stores so deficient that he required to borrow; that is to say, to get so much of certain articles from a druggist in the town, which he paid back in kind when his own medicines arrived.

876. Did you send in your report and requisition directly?—I think I did.

877. How soon did you get out the invoice?—I got the invoice probably three or four months after making the requisition.

878. Did you get the drugs at the same time with the invoice?—No; not sometimes for four, or five, or six months after that.

879. There was an interval of four, or five, or six months between the arrival of the invoice and the arrival of the drugs?—Yes.

880. To what cause do you attribute that interval?—To the Admiralty, I think.

881. You believe that the Medical Department sent the drugs to the Admiralty, and that there was a delay of those five or six months in forwarding the drugs? —I would say so.

882. Do medical officers at the different stations calculate upon that delay generally?—They certainly ought to have sufficient in store to meet the supply till they arrive.

883. But do medicines keep in equal efficacy as long as 10 months or a year? —No, certainly not; not all medicines.

884. Then

884. Then if the Medical Department sent those medicines to the Admiralty, and the Admiralty kept them so many months, some of those medicines might arrive with impaired power for good?—Some of them might.

885. Were your requisitions from Malta ever cut down?—Once, I think.

886. To what extent?—I cannot pretend to say now; but they are liable to be cut down in London if they think you require too much. If on comparing the expenditure of the last 12 months with what you may have remaining in store, looking forward to another 12 months, they cut it down if they think they can do so with propriety. But I think in the case of a requisition from a foreign station they have no right to judge of what may take place in a foreign station, unless the requisition is something enormous.

887. Then do you think that that power of cutting down requisitions is too freely exercised at the Director-general's Office?—It may be so. If a requisition is in fair moderation, and one article is in fair proportion to another, I think it ought not to be interfered with.

888. When the drugs come out in answer to the requisition, do you ever find a cheaper medicine substituted for a dearer one?—I think not.

889. Do you consider foreign regimental duty the best school for medical officers?—Regimental duty is certainly the best.

890. Will you state your reason for that opinion?—The service is more varied, and they become acquainted with the rules of the service much more readily than they do on the staff, which is often a very monotonous and very routine life on some stations.

891. How is their service more varied in regiments?—In moving from station to station, and from climate to climate, whereas a staff surgeon may go to America, where he may remain probably for several years.

892. Is it possible for a regimental or assistant-surgeon in the Home service, because of bad conduct, to be removed to the staff?—I believe there are such cases.

893. Then it is possible under the present system?—It is possible, unless the charges against him are sufficiently heavy to warrant half-pay or dismissal.

894. Is it possible for him to be exchanged without his misconduct being known to the military authorities?—That I am not aware of.

895. Had you been fortunate in your promotions up to the time of the expedition to the Crimea, as compared with others of your standing?—No; most unfortunate, I consider.

896. Colonel *Boldero*.] You were asked a question about the naval hospitals. Do you think that the interior economy of a naval hospital is superior to that of an army hospital?—I am not sufficiently acquainted with the economy of naval hospitals to draw a comparison, but I would say, not.

897. Take, for instance, Chatham. Do you think the military hospital at Chatham at all equal to the naval hospital at Yarmouth?—I have not seen the Yarmouth Hospital, nor have I seen the naval hospital at Chatham. As to the military hospital, I do not know how it is conducted now, but I would say, that if space admitted in the Chatham Hospital, I do not see why its arrangements should not be equally perfect.

898. But you do not feel competent to give a direct answer as to whether the naval hospitals, in their interior economy and construction, and in accommodation for the sick, are superior?—I am not.

899. Mr. *Bellew*.] Do you know anything of the model military hospital that was built about two years ago at Portsmouth?—I never saw it; I have heard of it.

900. Have you ever heard that that hospital, although reported upon by a Board of officers of inspection as unfit for the reception of the sick, had yet sick people put into it immediately after that report had been made, and before any answer had been given to that report?—I am not aware of that.

901. Colonel *Kingscote*.] Do you think that the admission of a civil member into the Army Medical Board would be advantageous to the service?—Decidedly not.

902. Mr. *C. Legh*.] Are you personally acquainted with Constantinople?—Not a great deal.

903. You have had no professional experience there?—No further than what I saw of it when I was at Scutari with the army.

904. How long were you there?—I was there from the beginning to the end of May.

W. H. Burrell, Esq., M. D.

8 May 1856.

905. Referring to a case with which you are familiar, that of Dr. Davy, Dr. Andrew Smith was asked, "Would not that residence there, and the official inquiry in which he was engaged relative to the Turkish hospitals, give him experience not enjoyed by many other medical officers connected with the British service, as to the climate and various other things which a medical officer would require to know in connexion with his profession, and a knowledge of which would be of great advantage to an expeditionary army in the locality?" The answer to that was, "That might have been; but I took other means of ascertaining those points when the army was ordered to the East; I sent out three very clever medical officers to inquire into all those things; they preceded the army, and then sent me home their reports in reference to all those points before the army actually reached Constantinople, or at least very shortly afterwards." Then the next question is, "How long were they resident there before they sent their reports?" The answer is, "Their residence was not simply at Constantinople, but they travelled over the entire country, and found out the local peculiarities ten times better than any person resident in the town of Constantinople could do." Then he describes the tour that these officers made. Now do you, professionally speaking, concur in that opinion, that such an exploration of the country as that was sufficient to give such a knowledge of its peculiarities as was required?—It seems to me a matter of opinion.

906. Are you aware whether there are any peculiarities in Constantinople which would require more accurate investigation than could be given by the tour which is described here?—No, I am not aware.

907. In short, you are not professionally acquainted with any of the peculiarities in Constantinople?—No.

908. Mr. *Bellew.*] Can you recal to your mind any single instance of a regimental medical officer being placed on half-pay for medical incapacity?—I cannot at this moment recal any instance.

Duncan Menzies, Esq., M. D., called in; and Examined.

D. Menzies, Esq., M. D.

909. *Chairman.*] YOU were examined before a Committee last year?—I was.

910. Did you fully state your case before that Committee?—Not fully, I may say, for at the time I had not my health sufficiently established, and not being accustomed to being examined before such a body, I was of course a little nervous upon the occasion, and I might not have stated all that I wished to say in my own defence. Situated as I was, at Scutari, in a most trying position, where I was overwhelmed with duties that it was impossible for one man to accomplish, I certainly felt that my position was a very unusual one, and subjected me to a great deal of unmerited abuse when I came home, because I could not accomplish impossibilities. My health was broken down with the arduous duties which devolved upon me. I was almost worked off my legs, night and day, and I came home in consequence of ill health, having been invalided by a medical Board.

911. What has been your employment since?—I was sent to Shorncliffe to form and organize a hospital for the German Legion in June last.

912. What was the date of your appointment to Shorncliffe?—I have not got the official letter by me; but I think I joined at Shorncliffe on the 14th of June. I proceeded immediately on receiving orders from the Director-general to go there; I think I arrived there on the 14th of June.

913. Under what circumstances were you sent there?—To form and organize hospitals for the German Legion; and that appointment I objected to, I beg to observe, for this reason: not understanding German, I felt that I could not accomplish the duties that were required of me to my own satisfaction, nor to the benefit of the service.

914. Did you object to the appointment at the time when it was made?—I told the Director-general that I did not understand German, and that I would much rather be appointed anywhere else. To this he remarked that he had only another station, which was Aldershot. "Well," I said, "if you will allow me to go there I shall feel obliged;" he said, "I cannot take upon myself (being a nervous man, and feeling, I suppose, the reports that had gone abroad respecting my management at Scutari, and the public feeling against me) to send you there without consulting Lord Panmure."

915. What

915. What was your answer to that?—I made no particular reply; of course I knew that I must obey orders, and I was willing to obey the orders which Dr. Smith was to give me; at the same time he was perfectly aware that I had strong objections to going to Shorncliffe, for those reasons.

916. Then you went to Shorncliffe?—I did.

917. Did you make any statement or report on your arrival at Shorncliffe?—Yes, I took the earliest opportunity of informing Dr. Smith officially of the state of the camp.

918. What was that state?—If you will allow me, I will refer to my official report. I have copies of two reports that I made. Of course there are a great many more reports in my letter-book. This is dated the 15th of June; that was the day after my arrival.

919. Will you read that report?—"Sir,—I have the honour to inform you that I reported myself personally to Lieutenant-colonel Power, Commandant of the British Foreign Legion Depôt at this place, yesterday morning. In my inspection of the temporary barracks I found that huts for 1,000 men were expected to be finished in a fortnight, but that all the requisites of the camp, such as officers' quarters, mess-room, kitchens, latrines, &c. were in a state of great backwardness; and no provision has been made for the accommodation of the sick, beyond a hut, which is placed at the disposal of the medical officer by the barrack-master, and which had been intended for barrack purposes. I have therefore represented officially to the Commandant the absolute necessity of having a regularly organized hospital establishment immediately commenced, and shall see the commanding engineer as to the site most eligible for this purpose, and where a proper supply of good water can be conveniently had. The strength of the depôt at present consists of 31 officers and 162 rank and file; only three sick in hospital. I have instructed Surgeon Samoji (he was a German medical officer) as to the mode of obtaining supplies for the sick, and he will put himself in communication with Mr. Pratt, the purveyor at Chatham. The case of medicine sent to his address at Hythe was left by mistake at Westernhanger; directions have been sent to the barrack-master at Hythe to have it forwarded to Shorncliffe without delay." This was addressed to Dr. Smith, Director-general. The next letter was on the 19th of June. "Sir,—Since my last communication of the 15th instant, I have the honour to inform you that I have received over from the barrack department six huts at the west end of the line of encampment for the hospital of the 1st Battalion of the Foreign Legion, and I propose to make the following distribution of them; viz., use four for the accommodation of the sick, each hut to contain 16 patients; one for a surgery and inspection-room; also a portion, partitioned off, for quarters for the hospital serjeant; one for the provision and pack store, also partitioned, with separate entrances; out-offices will also be required, such as kitchen, latrines, washhouse, &c., all of which are in progress of completion, and are situated immediately in the rear of the hospital huts. This I beg to observe can only be considered as a temporary arrangement until the regular hospital is formed, which I understand is to contain 300 sick; and by a communication I have received from Captain Freeth, the resident engineer at Hythe, yesterday, he cannot give me any information beyond the fact, that he had suggested the site of the old hospital should be adopted, which is at the west angle of the camp, distant about 200 yards, and that all the arrangements respecting the nature of the building are under the control of the surveyor, Mr. Mennie, at the office of the Inspector-general of Fortifications. I have made the necessary applications to the barrack-master for providing the supplies required for hospital purposes, and he will afford me any aid in his power; but at present everything is in a very incomplete state for the reception of troops at this station."

920. Was the number of troops considerably augmented after that?—Gradually, as the regiments were formed, the numbers increased.

921. Did the hospital arrangements advance in equal proportion?—We got supplies of medicines and other requisites. With the exception of the Barrack Department we managed to get on pretty well; but we were deficient in several articles of hospital furniture, which I represented to the barrack-master, and he made application, as he told me; but some considerable delay took place, and the articles which I required were not provided, I believe, for a month after my arrival there.

D. Menzies, Esq., M. D.

8 May 1856.

922. You made a requisition directly for the supplies in question to the barrack-master, and he told you that he had forwarded it?—There were articles which he said they had not yet received. I found that everything was in a state of backwardness, nothing having been formed when I arrived; and we, of course, had many difficulties to contend with. The barrack-master himself had many difficulties to contend with, and he remarked that troops ought not to have been sent there till hospitals had been provided for them, for it put him to great inconvenience.

923. Did you state to Dr. Smith the difficulties that you had to encounter?—Yes.

924. In any other form than your official letters?—I have no other letters by me at present; but my letter-book will testify that I left nothing undone, as far as representing the difficulties with which I had to contend; and Dr. Smith was made acquainted from time to time with the nature of those difficulties.

925. Did Dr. Smith take any means to inquire into the truth or accuracy of your statements; did he send any other medical officer to inquire?—Yes; Dr. Dumbreck was sent down at the time when the cholera appeared. The first case appeared about the 18th of August. I am not sure as to the date when Dr. Dumbreck arrived.

926. What do you think was the origin of that cholera in the camp at Shorncliffe?—I made a report upon the cholera on its first appearance. I could only come to the conclusion that it was imported from the Continent.

927. You would reckon the site of the camp at Shorncliffe very healthy?—The site of the camp was particularly healthy; no place could be more so; but the cholera is a disease which may be imported, and in this instance there could not be the least doubt about it.

928. There could not be the least blame to the authorities for selecting such a site?—Not at all.

929. What did Dr. Dumbreck do when he arrived?—He had his instructions. What those instructions were I am not able to say, but he inquired more particularly into the origin of the disease. I gave him my opinion, and I believe he was of the same opinion, that the disease had been brought to Shorncliffe through the arrival of the 2d Regiment. I think it was the 2d Light Infantry, from Heligoland.

930. When Dr. Dumbreck came down, did he report upon the subject to Dr. Smith?—He did. But I had made all the arrangements previously to his arrival, taking the necessary precautions that the men should be put under canvas without delay. I took steps, in conjunction with the brigadier commanding, Colonel Wooldridge, who always gave me every assistance, to have the troops removed immediately from the camp to some distance, about three miles, in a northerly direction, and placed under canvas in an elevated position.

931. Was Colonel Wooldridge always there?—He was there during the cholera time.

932. What was his position?—He had the command of the troops for the time. He was brigadier commanding.

933. Did he leave before you did?—Yes, long before I did.

934. By whom was he succeeded?—By Baron Stutterheim.

935. Did you receive assistance from him?—Yes.

936. Was he brigadier commanding?—He was brigadier-general commanding.

937. Who was in command of the brigade?—When Baron Stutterheim took the command he succeeded Brigadier Wooldridge; but the Legion was, more properly speaking, commanded by General Stutterheim, he being the head of the Legion.

938. Could he speak English?—Yes.

939. Did you find any difficulty after he took the command?—He was very willing to assist me, and did his best I have no doubt; but not being acquainted with the English service, I was very much hampered on many occasions when I went to the Brigade-office. The brigade-major being a German, and scarcely acquainted with English, I had to encounter great difficulties in getting my orders carried out, or well understood. And I must also state that there was no regular clerk in my office for a long period. I had an orderly given to me, but he understood very little English, so that when I sent for orders to the Brigade-office I found it very difficult to get them. I never could see the order-book myself; and when I told this non-commissioned officer to ascertain what

orders

orders there were, and to copy them for me in German if they had any reference to my department, I found that he could not sometimes even get the order-book; and in this way I was left in a state of great uncertainty from time to time, which was very unsatisfactory to me. I represented my position to Dr. Smith fully by letter (it was a demi-official letter) on the 7th of October. That was after the cholera had subsided. But I must say that before this I told Dr. Dumbreck, when he was present at the camp, at the time the cholera prevailed, the difficulties I had to contend with; and I did so in the presence of another officer who accompanied him, Dr. Mapleton. I stated that my position was a most difficult and trying one, and that I felt that I could not do justice to my appointment, placed as I was, not knowing a word of German, and having German officers to instruct in their duties who had never been brought up to military hospitals.

940. Were they civil surgeons?—They were civil surgeons and assistant-surgeons.

941. They had never been with an army?—Only a few had been with an army; I had to establish them in the hospitals, and to teach them everything connected with their duties.

942. Could the majority of them speak English?—The majority of them could not speak English. I do not think that in the Legion more than six medical officers could speak English sufficiently well to understand my orders.

943. How many were there in all?—There were six regiments of light infantry, and two of rifles, and two of cavalry, making 10 regiments in all, and there was a surgeon to each regiment and two assistants.

944. Sir *J. Trollope.*] That would give you a staff of 30 medical officers?—Yes. Out of those, not more than six or seven could speak English tolerably well.

945. Colonel *North.*] What were the hospital serjeants and nurses; were they Germans?—The hospital serjeants were Germans, and everybody else attached to he hos pitals.

946. Sir *J. Trollope.*] Who selected those German medical officers?—Some of them were selected, in the first instance, by the Director-general. Latterly they had a German deputy inspector, Dr. Freunde. He was appointed to the rank of Deputy Inspector of Hospitals, and retained in London until he had got the number of medical officers required for the service. He, being a German, of course could inquire into their qualifications, and he was selected on that account.

947. Could Dr. Freunde speak English?—He could.

948. Did he state to you the nature of the qualifications which he required from those gentlemen?—Never, except that he examined their testimonials of qualification.

949. Are you aware that medical men in Germany have to undergo very rigid tests and examinations before they are pronounced qualified to practise?—I am not acquainted with the mode of examination in Germany.

950. *Chairman.*] You had nothing to do with the appointment of those surgeons?—Nothing at all.

951. You found them all there?—Yes; they were sent there to report themselves to me, and then I was to instruct them in their duties.

952. Sir *J. Trollope.*] As far as their practice went in surgery and medicine, did you observe that they were acquainted with their duties?—I was told by Dr. Smith, when I went to Shorncliffe, that I should not interfere with their practice, and therefore I avoided doing so.

953. Did you not examine the hospital books?—I made them establish books, and in the course of my visits I inquired into the mode of keeping the books, and saw that they carried out my orders upon that subject; but having received instructions from Dr. Smith not to interfere with their practice, of course I did not do so.

954. Were their books kept in the German language or in Latin?—In German, generally speaking, the prescriptions only being in Latin.

955. You had no knowledge of the mode in which their records were kept, not being able to understand the language?—Not being able to understand the language, of course I could not tell how the books were kept.

956. *Chairman.*] What do you mean by saying that Dr. Smith forbade you to interfere

D. Menzies, Esq., M. D.

8 May 1856.

interfere with their practice?—I suppose he thought it better that they should exercise their own system of treatment.

957. Colonel *North.*] What was the object of your going there?—To establish hospitals upon our own system, and to teach them their duties on field service. I had to make requisitions for their field equipments, and to provide them with everything that was necessary for enabling them to proceed on field service, and to show them how they were to apply for their supplies.

958. You mentioned that Lord Panmure was to be applied to if you were sent to Aldershot. Was Lord Panmure applied to upon your going to Shorncliffe?—I presume so, As Dr. Smith stated to me that he must refer the matter to Lord Panmure, I suppose it must have been with the approbation of Lord Panmure that I was sent to Shorncliffe.

959. Sir *H. Davie.*] Am I to understand that you considered yourself to be sent there to instruct those 30 German medical officers in the performance of their duties, 24 of them not being able to speak a word of your language, and you not being able to speak theirs?—Yes, I mean sufficiently to understand my orders.

960. *Chairman.*] And you were forbidden to interfere with their practice?—I was forbidden to interfere with their practice.

961. Mr. *Percy.*] Was there any other English medical officer there besides you?—Not any other, except for a short time when the cholera prevailed.

962. Mr. *Peel.*] Did you succeed in instructing them or not?—I believe I did, after great exertions; I found that, notwithstanding all my instructions, they were in general very indifferent to keeping the hospitals in the order that I wished them to be in, and it was not possible to succeed in getting them kept in satisfactory order. Dr. Freunde was also sent down, that I might instruct him in his duties as deputy inspector.

963. Was there any translation of the regulations into German made for their use?—Yes; Dr. Freunde made a translation into German, at a late period.

964. *Chairman.*] You said that you could not succeed in explaining to those German doctors the regimental system prevailing in our army?—Yes. At one time I thought I had succeeded in making them perfectly understand their duties; but the great difficulty was in getting them to follow up my orders to keep their hospitals in the cleanly order in which I wished them to be.

965. Their standard of cleanliness was lower than yours?—It was certainly lower.

966. Mr. *Peel.*] Did you find those of them who were conversant with the English language pay more attention to your orders?—No; there was a great indifference about cleanliness; they never ventilated their hospitals properly; I was always complaining of the bad ventilation of the wards; and upon one occasion, when I went round with General Stutterheim, and pointed out to him the defective state of the ventilation, and made many other remarks as to the uncleanly state of the hospitals, he did not seem to take any notice of it; on the contrary, he observed to the officer commanding one of the cavalry regiments (I think it was the 1st Regiment), that he was perfectly satisfied with his hospital; and the surgeon of the regiment afterwards repeated this to me. When I said to him, "Dr. Gross, I have been very much disappointed with your hospital to-day; I was ashamed, when the General went into it, to see it in such a filthy state," he said, "I am surprised at that, for the General told our colonel that he was well satisfied with our hospital."

967. Colonel *North.*] Then, in point of fact, Baron Stutterheim commanded the hospital instead of you?—It would appear so.

968. Had those Germans been employed in the civil service, or were they picked up wherever they could be found?—I believe they were picked up. Some had been in service in the Holstein war.

969. Mr. *Peel.*] Did you examine the huts occupied by the men frequently?—Yes.

970. What was their state?—Anything but cleanly. I never could get them to keep themselves in a tidy state in the hospitals. The barrack-master was always complaining of it.

971. *Chairman.*] Are you at Shorncliffe now?—No; I have been ordered from Shorncliffe for some time.

972. How were you ordered from Shorncliffe?—I must first observe, that when I came to London in November, on leave for 14 or 15 days, I waited upon the

the Director-general, and I referred him to my previous communication of the 7th of October, in which I stated my wish to be relieved, as I felt that I was in a most uncomfortable position, and very much perplexed in not getting my orders carried out to my satisfaction, and I thought it would do me no credit to remain there any longer; and that I would wish him particularly to remove me from that station and appoint me to some other. His reply to that was, "You are going to Jamaica; have you not received a letter to that effect?" I said, "No, sir." Then I made inquiries in the office, and I found that there was no letter ordering me to Jamaica. Nothing further passed, and I returned to Shorncliffe at the expiration of my leave. I said, moreover, "Very well, sir, I am ready to go to Jamaica; I would much rather go there than remain any longer where I am." I received no further communication upon the subject, and I waited, on my return to Shorncliffe, expecting that I should very shortly hear of my going abroad. But time passed on, and there I was left all the winter. By this time, of course, we had more regiments forming, and several had embarked for foreign service, and, of course, my duties were exceedingly arduous; having no one under me to assist me, I felt that I could not carry them on with any degree of satisfaction to myself. I received a communication from Dr. Smith, stating that he had arranged to relieve me, and that Dr. Dumbreck and Dr. Humfrey, Deputy Inspectors of Hospitals, should proceed to Shorncliffe forthwith, and that I was to hand over my charge to Dr. Humfrey. Of course I was pleased at this. If you will allow me, I will read Dr. Smith's communication upon the subject. "Army Medical Department, 13th March 1856. Sir,—I have much pleasure in being able to inform you that I have now succeeded in securing an officer to relieve you; you must therefore prepare immediately for service abroad. Deputy Inspector-general of Hospitals, W. C. Humfrey, is the officer selected, and he will reach Shorncliffe on Saturday next, in company with Dr. Dumbreck. You will give over to the former all documents, &c., connected with your position at Shorncliffe, and also make him acquainted with the nature of the duties he will be expected to discharge. On being relieved, you will be pleased to proceed to town, and report yourself at this office for further instructions." I acted upon this, of course, and immediately on my being relieved, I saw Dr. Smith in London, on the Tuesday following. Dr. Humfrey, I think, relieved me on the Friday; and Dr. Dumbreck told me that I should not lose any time, as Dr. Smith was anxious that I should be ready to proceed abroad; and he asked me, amongst other things, whether I did not know the station I was going to. I said, "My letter of service does not mention the station." "But," he said, "you must know that you are going to Jamaica. Did not Dr. Smith tell you so when you were in town in November?" I said, "Yes, to be sure, Dr. Smith did mention that to me." And I told Dr. Dumbreck that I should not lose a moment in proceeding to London, and see Dr. Smith; which I did on the Tuesday. Dr. Smith, I thought, received me very coldly. The first thing he told me was, "Well, I have relieved you from your duties at Shorncliffe." I thanked him, and said I was very much obliged to him. "But," he observed, "I am not satisfied with your hospitals, and you shall hear from me on the subject." I said that I was very sorry to hear that; that I had never been satisfied with the hospitals myself, and that he must have been aware from my reports that I had mentioned so. "Well, but," he said, "I think you ought to have done better," or something to that effect. I expressed my regret that I had given him any cause to complain; but I said that he must be aware that I had laboured under extraordinary difficulties; and I also observed, that it would appear as if I were a doomed man, to be placed in situations where it was perfectly impossible for me to carry out my duties, as in the instance of my position at Scutari. And now I had been sent to a station among foreigners, where I could not understand their language, how was it possible for me, with all my efforts and exertions, to carry the duties out with satisfaction to myself or benefit to the service? I received this communication afterwards from Dr. Smith, dated the 19th March: "Sir,—Referring to an inspection of the hospitals at Shorncliffe, made on the 15th instant by Deputy Inspector-general Dr. Dumbreck, I have to express my great regret that I find it my duty to inform you, that the report of the above officer has brought to my knowledge that the condition of these establishments, for which you were at that time responsible, was far from satisfactory. While I am disposed to make some allowance for the general want of cleanliness pervading the hospitals, I cannot overlook or pass without condemnation the absence of a

D. Menzies, Esq., M. D.

8 May 1856.

requisite number of sentries in the hospital blocks, as, without the effective means of separation which a well-regulated disposal of sentries affords, all hospital treatment must be more or less nugatory; and I can conceive no more serious charges against the general management of the Medical Department of the station than the admitted fact that patients in hospital have, on more than one occasion, found their way into the town of Sandgate. Another deficiency, for which you are directly responsible, was the want (I do not speak of the general condition) of articles of bedding, of the first importance to the comfort and well-being of the sick. It was your duty, on your visits to the hospitals, to have insisted on the medical officers exerting themselves to have such deficiencies supplied; and in the event of this want of success, no efforts on your part ought to have been spared to urge on the Barrack Department the inadequacy of the provision of articles of bedding for the sick; and failure in effecting your object should have been followed without loss of time by representation to me."

973. Colonel *North.*] Did you represent to Baron Stutterheim your wish to have more sentries?—I did; and I kept a departmental order-book, in which I always put my orders for the information of each medical officer, and I sent this orderly-book round; and in those orders from time to time it was mentioned that sentries should be applied for when required. And upon this particular occasion, notwithstanding Dr. Dumbreck's remark, I said, "Dr. Dumbreck, if you look into my orderly-book some days ago, you will see I put in a very stringent order upon this very subject of sentries."

974. You represented what your opinion was with regard to the sentries to the proper authority?—Frequently.

975. *Chairman.*] Did you send any answer to that letter?—I did. The letter to me was dated the 19th of March. I answered it on the following day. "Sir,—I have the honour to acknowledge the receipt of your communication of the 19th inst., and very much regret to find that you should think it necessary to attach blame to me for the condition of the hospitals at Shorncliffe, upon the report made to you by Deputy Inspector-general Dr. Dumbreck. I can only assure you, in explanation and in justice to myself, that no man could have worked harder than I did to get these hospitals into proper order, and so as to deserve your favourable opinion; and if I have failed in this, it has been owing to circumstances which, with all my efforts to correct, proved in some instances unavailing. I daily urged upon the medical officers of the Legion the absolute necessity of having their hospitals in a proper state of cleanliness and order; and my departmental orders, if referred to, will sufficiently testify this, and it will also be found that I had issued a most stringent order only a few days before Dr. Dumbreck visited these establishments, and which he had an opportunity of reading in my office, respecting patients having entered the town, and requiring more sentries to be placed over the hospital blocks. The great difficulty which I have at all times experienced, as I informed you before, in carrying on my duties with these foreigners, arose from my not being able to communicate my orders to them in their own language, and their want of knowledge of English; so that when, in the course of my visits, I pointed out any irregularity which ought not to exist, I was often met by a vacant stare, showing clearly that those in fault did not seem conscious that anything was amiss. And on one occasion when the Major-general Baron Stutterheim visited the hospital of the first cavalry, I called his particular attention to the state of the wards, bad ventilation, &c. &c., which always gave me much concern; the Baron took little notice of this, but on the contrary expressed himself satisfied, as I afterwards understood from Dr. Gross, the surgeon, as to the state of his hospital. With regard to the hospital bedding, I beg to observe that I repeatedly insisted upon the medical officers seeing that their hospitals were properly supplied with every necessary article, and finding that some of these were not furnished, I, during my visits to the hospitals, referred to the list of extra articles forwarded to the Barrack Department when the cholera prevailed, and requested that the medical officers should immediately make out their requisitions accordingly, and which I signed, and went myself at the same time to the barrack-master and requested him to issue whatever was required, and if the articles in question were not in store, that he should send for them. You would have observed from my communication of yesterday's date, with the enclosures, how the delay in obtaining clean hospital bedding arose, and that I had also myself gone to the barrack-master, and strongly urged the necessity of more attention being paid by the contractor to the washing of the clothes,

clothes, and that clean articles should be more regularly supplied." I have here also the communication to which I referred, for which I thought it necessary in my own justification to apply to the medical officers who were complaining of the want of articles. I wrote to Dr. Smith, forwarding those communications; and this is my letter to Dr. Smith: "Sir,—I have the honour to enclose the explanation to me of the surgeons of the 1st Light Cavalry and 4th Light Infantry British German Legion, why they had not been regularly supplied with clean hospital bedding for their patients, from which you will observe that repeated applications had been made for the same, and that I had myself personally gone to the barrack-master on this subject; but owing latterly to his ill health, and having left the station in consequence on leave, the duties of his office were intrusted to a serjeant, to whom the medical officers had applied; and the delay in obtaining clean articles in exchange has taken place owing to the contractor not fulfilling his duty in proper time, and it has also been observed that many of the articles received were not properly washed, which I personally represented to the barrack-master before he left the station."

976. Colonel *North*.] How long was the barrack-master absent under those circumstances, leaving the stores in charge of a serjeant?—He was just preparing to go from the station when I called upon him. He was then in bad health, and had received leave.

977. How long were the stores in charge of a serjeant during the time you were there?—Only for a very short time. I do not think more than ten days or a week.

978. During those ten days were the sick without proper bedding?—The hospital serjeant had applied for the articles of bedding, and could not get them; and the excuse was, that the contractor had not supplied them regularly.

979. Were you the only English medical officer there?—I was the only English medical officer. I had no English officer under me. I was required to superintend the passing of recruits. That duty generally devolves upon a first-class surgeon. So that my position was not at all satisfactory.

980. Sir *J. Hanmer*.] Did you make application for the services of an interpreter?—I applied at the Brigade-office for a man to write in my office, and who could speak English.

981. When you made your visits of inspection, did you make any effort to be accompanied by some person who could speak German?—Whenever I could get any medical officers who could speak English, I always availed myself of their services; but I had no regular interpreter.

982. Did you ask for a regular interpreter?—I applied to Baron Stutterheim.

983. To give you a person who could speak English?—I did, but he had none to give. I got an orderly who knew a few words of English; that was all.

984. Then there was no person, regularly attached to you, who could put you in communication with persons who spoke German, and not English?—Not any. I occasionally employed one of the assistant-surgeons in my office. When the cholera prevailed, I had one of the assistant-surgeons as a professional assistant who understood English, and but for him I could not have gone on at all; but I had no claim upon him; the commanding officer might have required his services anywhere else at any instant.

985. Then I understand you to say that you applied to have an interpreter, and that you could not get one?—Not exactly an interpreter; I applied to have a clerk who could understand English, and no regular interpreter could be given to me.

986. I mean a person who could accompany you in your inspecting visits. Your letter stated that when you paid visits to those places you were met with a vacant stare, and that you were not able to communicate with them in their own language; did you apply for an interpreter to accompany you?—I did apply for a man to whom I could communicate my orders.

987. To whom did you apply?—To the Brigade-office.

988. *Chairman*.] To Colonel Wooldridge?—First to Colonel Wooldridge, and latterly to Baron Stutterheim. All my communications had to pass through the Brigade-office.

989. Mr. *Noel*.] What was the date of your leaving Shorncliffe?—About the 16th or 18th of March.

990. Have you heard any more about the appointment to Jamaica, to which you

D. Menzies, Esq., M. D.

8 May 1856.

you referred jus now?—When I came up to town, I told Dr. Smith that I was still ready to go to Jamaica if he would send me there; and he said (in consequence of Dr. Dumbreck's report, I imagine,) that he could not take upon himself to send me to Jamaica without first referring the matter to Lord Panmure.

991. Sir *J. Trollope.*] How does the matter stand now?—The last time I saw Dr. Smith, I am sorry to say he told me that my name had been submitted for half-pay.

992. You are to be placed upon half-pay?—According to what he told me, I imagine so.

993. *Chairman.*] Had you an interview with Lord Panmure?—I had since I came home from Scutari, but not since I was at Shorncliffe.

994. Sir *H. Davie.*] Since your interview with Lord Panmure, you have been appointed to Shorncliffe?—Yes; Lord Panmure was well satisfied with my explanation.

995. Colonel *North.*] Are you supposed now to belong to the Jamaica station or not?—I am not aware what my situation is at present. I am still under orders. I have received no further official orders, except a verbal communication, when I saw Dr. Smith, that I was threatened with half-pay. I imagine that I am still on full pay, as I have had no official notice to the contrary.

996. *Chairman.*] Is not Dr. Dempster in Jamaica?—He is in Jamaica. I was going to relieve Dr. Dempster. I consider that the way in which I have been treated in this matter has been very trying to my feelings. When Dr. Dumbreck went down to Shorncliffe I was required to repair to London without loss of time, and, of course, being a married man, I had to make some arrangements for my wife, she being in delicate health, and I explained this to Dr. Smith, and begged that he would give me some idea when I should have to proceed to the West Indies. He would not tell me; he said that now, in consequence of peace being established, I must be prepared to go upon half-pay. I observed that I hoped not, as I was high up in the list of officers of my rank, and being out of the break. I think I am the ninth upon the list from the top, and on examining the list during the time of peace I found that that number had been kept on before the war broke out, and therefore I could not understand why I should be selected as the unfortunate individual to be put upon half-pay when I was so high up in the list, and I had always performed my duties in the service faithfully and honestly; and not only that, but I was ready to show the highest testimonials of my services in all quarters of the globe.

997. Sir *J. Trollope.*] How many years have you served?—I am going on 28 years on full pay.

998. You have served in all quarters of the globe?—I have served in all quarters of the globe. I have a statement of my services here, which I should wish particularly to give in, and from which I am sure it will be observed that I have always done my duty as a good officer. I have never yet received a step of promotion without being highly recommended for it, and I told Dr. Smith so. I am prepared to show that Dr. Smith himself was at the time satisfied with my conduct, and that he has paid me the highest compliments with regard to my medical capacity. Even my present promotion was strongly recommended by Dr. Hall, who had known me at the Cape. I served under Dr. Hall at the Cape for some years, and he was always satisfied with my conduct as a medical officer; and in consequence of that, I thought that when a vacancy was about to take place, I should write officially to Dr. Smith, requesting that he would be pleased to recommend me for promotion; and Dr. Hall being on the spot, I referred my communication to him, and he immediately said, "I shall recommend you strongly to Dr. Smith for promotion."

999. Mr. *Noel.*] Do not you think that you may be mistaken with respect to your being about to be put on half-pay; because Dr. Smith, in allusion to yourself, said, "I was not perfectly satisfied that he did the thing as well as he might have done; but there was nothing sufficiently defective in what he did to warrant me in removing him, if it had not been for the purpose of placing there a man of long service, and also of allowing Dr. Menzies to go abroad." Having been stated by Dr. Smith only a few days ago, must you not be mistaken as to your being put on half-pay?—All I can say about it is, that Dr. Smith, at my last interview about a fortnight ago, told me I should have to go on half-pay.

1000. When was that threat made?—When peace was established.

1001. Sir

1001. Sir *J. Trollope.*] How long ago was that?—It must have been a fortnight ago.

1002. You have not seen him since?—I have not seen him since.

1003. Sir *H. Davie.*] You said that at the time you were at Shorncliffe you made frequent representations to the Brigade-office for various requirements, such as sentries and an interpreter and other things, and that those applications were not attended to?—No, I never received a special interpreter.

1004. You were for several months at Shorncliffe?—I was.

1005. You had a particular position as the head of the medical department. When the representations which you made to the commander of the troops were not attended to, had you, by the custom of the service, no means of pressing those applications through any other quarter?—I represented to Dr. Smith, from time to time, the difficulties with which I had to contend. There were very great difficulties with regard to accommodation for the sick. There were a certain number of huts allotted for the accommodation of the sick; and I found it necessary to apply for more as the sick accumulated, and as the regiments were being formed; and the military authorities threw obstacles in my way, which obstacles I represented officially to Dr. Smith.

1006. Did you represent to him that they would not give you the sentries you applied for?—No; that was a subject that I did not represent to him, because I had never been told by any of the medical officers that the sentries were not provided; I had frequently in my orderly-book mentioned the necessity of providing sentries, and not having received any statement to the contrary from them, I imagined that those sentries were posted; they had the hospital instructions put into their hands, and there was no excuse for not complying with them. If they had not sentries it was their duty to have gone to the commanding officer and to get them placed there; but there was great carelessness amongst the officers; they would not carry out my orders to the letter; and I frequently found, when I went into the hospitals, and had given an order, it was not carried out; they did not know the system of keeping English hospitals; the serjeants were ignorant people who did not understand their duties, though I told the medical officers to explain their duties to them; and I got Dr. Freunde, when he came down, to draw out a code of regulations in German to guide the hospital serjeants and the orderlies, pointing out their duties, and the dispensers also; all the dispensers were unable to speak English; so that no one can have an idea of the difficulties with which I had to contend.

1007. Did your successor, Dr. Freunde, speak German?—Dr. Freunde was a German; but Dr. Freunde himself could not get those hospitals in good order, though he spoke German; then how could I be supposed to be able to do it if he could not do it.

1008. Colonel *North.*] Was Dr. Freunde a regimental surgeon?—I think he was in private practice in London when he was appointed.

1009. Then you had nobody there except German surgeons and assistant surgeons?—Yes, all Germans and no English, except when the cholera appeared.

1010. Who were all civilians?—Some of them had seen military service on the Continent.

1011. Mr. *Percy.*] Did the German medical men make any complaints to you of deficiencies?—They sent in requisitions from time to time, which I, of course, forwarded to the Board in London.

1012. I understand you to say that you had not sufficient bedding, and that you applied to the barrackmaster, and that he was unable to supply you?—The barrackmaster was deficient in many things that were necessary for the hospitals, and many things were sent down at the time of the cholera, to meet this deficiency.

1013. Would you or not, in your capacity of medical officer, have the power of purchasing things yourself upon an emergency?—Certainly, I might have had that power. But I could not have purchased those things, as they could not have been procured at Sandgate. They had been applied for to the barrackmaster from time to time; he had a pretty fair stock of those things when the cholera appeared, and we were not then deficient in bedding. Being so close to London, of course I communicated with Dr. Smith; so that he knew perfectly well what I wanted; and he could, of course, get things in London when I could not have got them in Sandgate. When I found out deficiencies, I went to the barrackmaster and said, "I must have" so and so; and I made the medical officers

D. Menzies, Esq., M. D.

8 May 1856.

make the requisitions accordingly. I told them, "Now, if you want any articles for the hospital, you must make a requisition."

1014. My question was, whether you would have the power, under any circumstances, of purchasing?—I should be under the necessity of representing the case, and stating the reason why I required anything out of the common.

1015. Supposing you had been at a great distance from London, and could not have communicated within two or three days with the Director-general, would you have had any power of purchasing what was necessary?—I should have taken upon myself to purchase those things. But I must say with regard to Shorncliffe, even though it is so short a distance from London, if a man required a truss, I am obliged to get the Director-general's approval before I could purchase that truss upon the spot, which would only cost 4 *s.* 6 *d.* So that if a man had a rupture he must be put into the hospital, and be kept in bed two or more days before I received authority from the Director-general to purchase a truss for the man in the town.

1016. Colonel *Boldero.*] Do you think that the system ought to be changed in that respect?—I think so.

1017. Shorncliffe is a new military station, is not it?—It is; although there had been artillery there in barracks before the German Legion arrived.

1018. Was there any barrackmaster there previously to your arrival?—I believe there was a barrackmaster at Hythe, who had charge also at Shorncliffe.

1019. Therefore some of the difficulties that you encountered arose from there not being a barrackmaster upon the spot?—A barrackmaster for Shorncliffe had arrived at the time I did myself.

1020. *Chairman.*] And from there being no hospital appointed?—There was no regular hospital appointed.

1021. Colonel *Boldero.*] Do you dispute the correctness of the Report of Dr. Dumbreck upon the state of the hospitals at Shorncliffe?—I admit, as I told Dr. Dumbreck, that I was never satisfied with the hospitals. I cannot say that the report is false; but I must say that Dr. Dumbreck had seen my orderly book in which I had put in a very stringent order about the sentries; therefore I think that might have been left out altogether.

1022. I understand you to say that you considered it a great grievance your being sent there, not knowing a word of German, and you made frequent applications to have an interpreter sent to aid you, but that was always refused?—I certainly had no regular interpreter.

1023. Did you ask for one?—I did not ask for a regular interpreter. I dare say I may have mentioned to Dr. Smith in the course of my conversation in town that I had nobody that I could apply to to interpret; and on one occasion he said, "Why did you not attach Dr. Gros, the surgeon of the 1st Cavalry, to you? He can speak English very well." I said, "I did not think I was justified in taking a surgeon from his regiment."

1024. The fact is, that you found your position so difficult and so irksome, that you felt you could not do justice to the service or to yourself, and therefore you wished to retire from the station?—That was purely my motive; and I applied to Dr. Smith upon those grounds. *Vide* my letter dated 7th October 1855.

1025. The question of Jamaica, I suppose, is still hanging in the balance?—I do not know what is to be done about Jamaica, but I am threatened with half-pay after my long and arduous services. I should be glad to hand in a statement of my services (*The same was delivered in*).

Jovis, 22° die Maii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Sir Henry Davie.
Sir John Trollope.	Sir John Hanmer.
Mr. Peel.	Mr. Noel.
Colonel Kingscote.	Sir James Ferguson.
Mr. Bellew.	Mr. Percy.
Colonel North.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

Henry Mapleton, Esq., M. D., called in; and Examined.

H. Mapleton, Esq., M. D.

22 May 1856.

1026. *Chairman.*] WHAT is your present rank in the Army Medical Department?—Surgeon of the 15th Hussars.

1027. How long have you been in the service?—Nearly 17 years.

1028. Where have you served?—I have served in the East Indies, and a short time in Turkey.

1029. Have you served with the force in the field?—I have.

1030. How long and under whom have you served?—I was under Sir Charles Napier and Lord Gough about three years; in Upper Scinde under Sir Charles Napier, and in Bengal under Lord Gough; and a few months in the East under Lord Raglan.

1031. Have you been only on regimental duty or on other duty?—I have been chiefly on regimental service; but I have also served in almost every branch of the department.

1032. Can you state what are the branches you have served in?—I have been in charge of troops on voyages to India, and home in charge of the wounded; I have been in a lunatic asylum in the military service; in a military prison; in infantry and cavalry; in a general action under fire with my regiment; and personal surgeon to two Commanders-in-Chief for short periods.

1033. Who were those Commanders-in-Chief?—The late Sir Samford Whittingham, and the late Lord Raglan.

1034. Mr. *Bellew.*] Have you ever been on the staff?—I have.

1035. How long?—About two years and a half altogether.

1036. *Chairman.*] Are you engaged in any official duty in London now?—I am.

1037. What is that?—I have been employed by the Government to be one of a committee, to detail the requirements of a large new military hospital about to be erected near Southampton.

1038. Were you down at Southampton on Monday officially on the occasion of laying the first stone?—I was.

1039. Have you ever formed a member of the Army Medical Department Board?—I have; at least I was attached to the office about a year and a half ago, temporarily, during a pressure; on my return from Turkey I was too ill to go back again, and I was ordered to do duty there for a time.

1040. Colonel *Kingscote.*] How many years were you assistant-surgeon?—Eight years.

1041. *Chairman.* What degrees or diplomas had you before entering the service?—I had a degree from the University of Edinburgh; I had a diploma from the London College of Surgeons, and a licence from the London Society of Apothecaries.

1042. Were you obliged to undergo those examinations?—No.

1043. What was necessary for an army surgeon?—A diploma of the London College of Surgeons.

1044. Would the others have been necessary for private practice?—A physician's diploma would not have been necessary, but the other two would have been, in England.

H. Mapleton, Esq., M.D.

22 May 1856.

1045. Then there is one more necessary for private practice than for the army?—One more.

1046. How long did your medical education occupy you?—Between six and seven years.

1047 Can you give an estimate of what it cost?—My professional education cost nearly 1,200 *l.*, I believe.

1048. Was that more than it need have cost?—It depends upon the school that you are educated at.

1049. Have you any knowledge of the various expenses of different schools?—I have some knowledge of them. The London medical education is more expensive than the Scotch; that is, a man educated for the medical profession in England is necessarily obliged to go to a greater expense than he would be in Scotland; and a man who is educated in Ireland is obliged, I believe, to go to more expense than even a man in England, until the new colleges were established. I am not quite certain as to the expense at the new colleges that have been formed since I entered the profession, Galway, Cork, and Belfast.

1050. Mr. *Peel.*] Does the warrant now in force require that candidates for the army medical service should possess diplomas from particular colleges?—Yes; the colleges of surgeons of Edinburgh, Glasgow, Dublin, or London; those four.

1051. Is that provision of the warrant practically maintained in force?—It is, to the best of my belief.

1052. Would a candidate, not possessing a diploma from one of those three colleges, not be admitted to the service?—I think not.

1053. *Chairman.*] Do foreign diplomas count at all?—No. It is necessary to explain that candidates at home, if they have also diplomas in medicine, and diplomas in arts, are said to be preferred to those candidates who have only diplomas in surgery.

1054. Do you think that the inducements held out in the Army Medical Department are sufficient to attract the most highly educated medical men to the public service?—Certainly not.

1055. Do you think the service would be benefited by making the examination on admission thereto more rigorous?—The service would most decidedly be benefited; indeed it is actually necessary in my opinion.

1056. Do you think it would be possible to have a more rigorous examination with the same rate of emolument?—I think not; if you make a more rigorous examination, with the same rate of pay that you give at present, I fear you will not get candidates at all; the Government in this short war, in consequence of the failure of candidates, were obliged to go to an enormous expense in bringing in civil medical officers to aid the Medical Department of the army.

1057. Colonel *North.*] Do you think that even under present circumstances the present pay is sufficient to get the best surgeons?—Certainly not.

1058. *Chairman.*] In what way would you raise the standard of examination?—Supposing the pay and inducements were such as to enable you to raise the standard, I think that the same diplomas should be required in the army as in civil life; that is to say, you should have men capable of practising the medical part as well as the surgical part.

1059. In what way do you think the present examination deficient as to the medical part?—There is no medical diploma required; if a man passes the London College of Surgeons, he may be a very good surgeon, but he is not examined in physic; the examination in physic is trusted to the Medical Board afterwards.

1060. You mean then that a doctor of a poor law union would probably be required to undergo a more rigorous examination than an army surgeon?—I believe the surgeon of a poor-law union is obliged to pass the Apothecaries' Hall, because no man can practise medicine in England without having a legal right to practise it; and a legal right is only conferred upon him by passing the Apothecaries' Hall.

1061. What is the examination of an army surgeon at the Medical Board in addition to the diploma which he is required to present?—The examination at the Army Medical Board is a written one conducted in the presence of a medical officer attached to that Board. Then those written examinations of the candidate are taken to the deputy inspector and to a staff surgeon of the first

first and second class of that Board, and they each examine this written examination, and if it is to their satisfaction the candidate is recommended to the Director-general and passed into the army; if it is not to their satisfaction they meet together, and the candidate is brought before them, and they verbally examine him.

1062. Is there no verbal examination till the written examination is found unsatisfactory?—I believe not; at least there was not during the time I was at the office, by the three officers above named.

1063. You have been one of the examiners?—I temporarily superintended the examination of the army candidates.

1064. Mr. *Peel.*] Is a candidate provisionally nominated before he undergoes examination?—Yes.

1065. It is not a competitive examination?—No.

1066. What is the proportion of men rejected?—I should not like to answer that question.

1067. Colonel *North.*] Do you think it would be an improvement if the examination of medical officers was to take place at Chatham or at any of the great hospitals, instead of in London?—No; my opinion is, that if the examination is not at the Medical Board, it should be by an independent body unconnected with the army.

1068. *Chairman.*] What Board would you recommend for the purpose?—I think it would be fairer, if the examination is not to be conducted by the Medical Board, that the candidate should be examined at the metropolis of the country he belongs to, and that the Military Professor of Surgery endowed by Government should be one of the examiners. I would have Irishmen examined in Dublin, Scotchmen in Edinburgh, and Englishmen in London.

1069. Colonel *North.*] Is there a Military Professor of Surgery endowed by the Government at each of those places?—There is a Military Professor endowed in Dublin and in Edinburgh, and I believe the present Government intend to endow an officer of that description in London; but I am not quite certain on that point.

1070. *Chairman.*] Are there any drugs exhibited at the Army Medical Board to those who are examined?—No, there were not during my time.

1071. Are any subjects exhibited for anatomical examination?—No, they have no conveniences for anything of the sort.

1072. It is merely pen and ink, and verbal?—Yes.

1073. When are the questions given to the young men?—As soon as they are placed in the room with the medical officer, who does not leave the room.

1074. Mr. *Peel.*] Is it a printed paper of questions?—No; written.

1075. Sir *H. Davie.*] Do those candidates produce any testimonial of the course of medical education they have gone through?—They have to produce certificates of having attended a certain number of lectures and courses of medical instruction.

1076. And having gone through a course of visiting the hospitals?—Yes, that is in addition to the diploma; those are merely certificates of having attended such courses of lectures.

1077. *Chairman.*] Who drew up those papers of questions?—I drew some of them up myself. They are drawn up by the medical officers who examine the candidates.

1078. And given to the candidates when they are in the room?—Yes.

1079. Do the different sets of questions vary?—There are a certain number of those sets of questions which are put away in a drawer and produced upon another occasion.

1080. Do you mean that after it was examined and answered, the questions, you would give the same paper of questions subsequently to B.?—Not on the same day.

1081. But at some future time?—Yes.

1082. So that B. being a candidate, might just cram up those particular questions, and know nothing more?—He could not see them at the Army Medical Office.

1083. But they might be given to him by a friend who had passed through the examination?—That is an objection, certainly.

1084. Sir *J. Trollope.*] Are they always the same questions; are there a stated number of questions that are to be put?—There are a stated number of

H. Mapleton, Esq., M. D.

22 May 1856.

questions on each sheet of paper, and perhaps there are 30 sheets of paper, each of them containing a set of questions on the different branches of the medical profession. Those 30 or 40, or whatever the number may be, are put into a drawer, so that no one can see them.

1085. Are they always the same?—They are reproduced when another candidate is to be examined.

1086. Each candidate has to answer a set of questions which is not varied? Exactly; those 30 sets are not all the same questions. The different sheets do not contain the same questions. Each sheet has a different set of questions. For instance, the 30th set is not exactly the same as the first set.

1087. Have the candidates who appear always the same questions put to them?—Thirty candidates would have different questions. The following 30 would have the same as the previous 30, supposing the number of candidates is 30.

1088. Is it possible for any candidate to copy those questions, so that they may be communicated to future candidates?—It is not possible for them to copy them, because one member of the Board is always present. He could only do it by memory.

1089. What is the mode of introduction of young men into the service who present themselves before the Board as candidates; are they recommended by any persons of influence to the Medical Board?—They are always recommended: that is to say, the candidate writes for a commission in the army, and he gets a schedule returned to him to fill up, and the very commencement of this schedule is "Recommended by." That he gets filled up by the clergyman of the parish, or any person who vouches for his respectability.

1090. Mr. *Peel.*] With respect to the examination, I understand you to say that no candidate can tell beforehand which of the 30 sets of questions he will be called upon to answer?—No.

1091. So that it would be impossible for him to prepare himself for answering particular questions?—The only way in which it could be done would be by a crammer asking each candidate as he came out what questions he has been asked; because those people are employed in London not only for the medical examination, but for the law and the clergy.

1092. But such a person could give a candidate no assurance that he would be examined upon the same questions?—I cannot say, because he might go through the whole list of candidates, and ask them what questions they had been examined upon.

1093. But I understand you to say that the chances would be 30 to 1 against the candidate having the same set of questions that another had had?—Yes; but he might know every one of the questions, as far as memory goes.

1094. Sir *H. Davie.*] Is a candidate not allowed to take away memoranda of the questions?—No; there is every precaution taken to see that no candidate shall copy any of those questions.

1095. Is the examination confined purely to professional questions?—Purely.

1096. There is no mathematical examination?—No; there is Latin always.

1097. They are not required to work any sums in the higher branches of mathematics?—No.

1098. Mr. *Percy.*] In the memoranda attached to the form of application it is said, "Candidates who have had a university education, and have the degree of A.B., or A.M., as well as that of M.D, will be preferred; but a liberal education, and a competent knowledge of the Greek and Latin languages, are indispensably requisite in every candidate;" is that regulation in force?—It is in print.

1099. But you say that it is not carried out?—I never knew a candidate examined in Greek or mathematics.

1100. Sir *J. Trollope.*] What is the extent of the Latin examination?—It is a passage taken out of Celsus, and prescriptions.

1101. They require enough knowledge of Latin to read prescriptions grammatically in Latin?—That is supposed to be the object; at least one object.

1102. *Chairman.*] In what way would you improve the system of initiatory examination?—Supposing inducements were held out to enable you to do so, I would require a medical diploma, or a diploma embodying the necessary branches

branches of the profession, before a candidate is admitted to an examination at all.

1103. Sir *J. Trollope.*] Under those circumstances, would you not, probably, obtain candidates of more advanced age than you do now?—I do not think that is necessary: I think from 21 to 25 or 26 a very good age for medical men to enter the army.

1104. Mr. *Bellew.*] Would you propose a competitive examination?—Not entirely; if you have a competitive examination there should be a standard as well. If you had simply a competitive examination, you would fail in the object you have in view.

1105. Do you think you could combine the two?—Yes.

1106. Mr. *Percy.*] No gentleman is placed on the list who has not obtained a diploma from the Royal College of Surgeons of England, Scotland, or Ireland, or from some other corporate body legally entitled to grant a diploma in surgery?—Quite so.

1107. But you think that is insufficient?—Yes; because the College of Surgeons of London do not profess to examine a man in physic; they examine him only in surgery and anatomy.

1108. Mr. *Peel.*] Do you think that in most cases the candidates have a competent proficiency in both branches of medical science?—They have certificates in every branch of medical science; that is to say, they have certificates of attendance; but those are no proofs that they know anything of the subject; a man may get certificates by buying them, especially at the foreign schools. All that is necessary is at a certain time to enter for the lectures; then if a student does not choose to attend the lectures there is the means of paying the servant at the door and giving him a card; and when the names are called, he puts the card into the box, and at the end of the session the man gets a certificate according to the number of cards that have been put in; I know an instance of a man getting a certificate who had not attended for the whole six months.

1109. What certificate was that?—For lectures on medicine.

1110. Which were not necessary as a qualification for the Army Medical Department?—He was not intended for the army; I mention it merely to show how easy it is to get certificates.

1111. Are such frauds ever successful at the medical department of the army?—I am not aware that they are.

1112. *Chairman.*] When you recommend that the examination should be competitive, and that it should be to a standard, you mean that every candidate should come up to a certain mark; and that those who transcended most should be selected for the appointments?—Yes; I think that is so at Oxford, for honours.

1113. Mr. *Peel.*] But I presume there is a minimum of qualifications at present?—There is a minimum, of course, because men are rejected, and any man beyond the minimum gets passed into the service.

1114. What does the diploma which he produces certify to?—If he has got a London College Diploma, it certifies that he is able to practise surgery.

1115. Is there any further examination in that branch of science?—It may be, and it is so at the Medical Board.

1116. What is the remainder of the examination?—On the practice of medicine, drugs, and midwifery, and diseases of women, &c.

1117. In about how many cases can the candidate produce also a diploma from some college of physicians?—I cannot tell the exact number of doctors of medicine that we have in the Army Medical Department.

1118. Is there a considerable proportion?—There are a great number; but where they get these diplomas I cannot say; they are not all recognised diplomas. The only diplomas that the profession consider respectable are the diploma of the College of Physicians of London, and London University, and the Edinburgh diploma, and Trinity College, Dublin.

1119. Mr. *Percy.*] And Glasgow?—No; Glasgow is not thought so respectable as the others.

1120. *Chairman.*] You would make it compulsory that the candidate should produce a diploma from the College of Physicians?—Not compulsory, because the College of Physicians will not allow any man a diploma who practises surgery; but he should have a diploma from some college.

H. Mapleton, Esq., M. D.

22 May 1856.

1121. Sir *J. Hanmer.*] The rank of a Dublin diploma is as high as any?—Yes; Trinity College, Dublin, is as high as any.

1122. Sir *J. Ferguson.*] If the position of army surgeons remains as it is at present, do you think it will be difficult to obtain a sufficient number of persons who have acquired those first class diplomas?—Very difficult; in fact you would not get them. I am only speaking upon the contingency that the pay and condition of army surgeons is improved.

1123. *Chairman.*] Do you think there should be an examination with regard to drugs as well as a *vivâ voce* examination as to medical and surgical science?—I do not think that the Army Medical Board have conveniences for an examination as to drugs and chemical tests which are necessary for medical officers to know.

1124. But if they have not those conveniences, do you think it desirable that they should have, and that that elementary examination should be introduced?—Certainly.

1125. Do you think also that an inspection of the subject or manipulation should form part of the examination?—I would leave that to the College of Surgeons. Their diploma is quite conclusive that the knowledge of the candidate is sufficient in surgery.

1126. Colonel *North.*] As you recommend that this should be carried on in London, would you have a separate Board appointed for the purpose?—No; I would entirely trust the examination to an independent body; I would require the candidate to have a medical diploma from the College of Surgeons of London, Edinburgh, Glasgow, or Dublin; and I would also require him to have a medical diploma, because all those Colleges of Surgeons do not examine in medicine; on his producing those I would make the Examining Board an independent Board; and I consider that the military professor of surgery at the metropolis where the candidate is examined should be one of the members of that Board.

1127. *Chairman.*] But not the only member?—Not the only member.

1128. What other members would you have on the Board?—You might have the examiners attached to the college; for instance, at the London University, and at Trinity College, Dublin, and at Edinburgh.

1129. Mr. *Bellew.*] You are not opposed to the introduction, as examiners, of the civil element?—No; I apprehend that all the examiners for the diplomas of the College of Surgeons are civilians now.

1130. And in the subsequent examination you are not opposed to the introduction of the civil element?—No; it is done in the navy and in the East India Company's service, I believe.

1131. Colonel *North.*] And the Military Professor of Surgery is not a *bonâ fide* military officer, is he?—Yes, in Dublin and Edinburgh.

1132. In fact, it is a civilian Board altogether?—It is a civilian Board, with the exception that there is a Regius Professor of Military Surgery.

1133. *Chairman.*] When a young man has entered at the lowest medical grade in the army, what is his course of proceeding then?—He proceeds to Chatham, where there are a certain number gazetted as Acting Assistant-Surgeons on an inferior rate of pay.

1134. Do they go nowhere but to Chatham?—Not at first.

1135. What length of time do they stay at Chatham?—They may be there, according to the vacancies that take place, from one to twelve months.

1136. Whilst they are at Chatham waiting for appointments are those young men employed in any way?—Yes, they are employed in all the executive duties of the hospital under the superintendence of the superior medical officers.

1137. Have they any pay or appointment at that time?—I think 5 *s.* a day till they are gazetted to either a regiment or the staff.

1138. Have you ever served in Chatham?—Yes.

1139. In time of peace what is the number of young men generally kept there waiting for appointments to regiments?—Generally from half a dozen to a dozen.

1140. Mr. *Peel.*] Did the grade of acting assistant-surgeons exist before the war?—Yes, it existed before the war; but at my time of entering the service there was no such grade.

1141. Colonel *North.*] Do they wear any uniform?—They wear a uniform, I believe.

1142. Are

1142. Are they members of the medical mess at Chatham?—Yes. They are not commissioned; that is the only difference.

1143. Mr. *Peel.*] You are aware that a great number of acting assistant-surgeons have been serving in the Crimea?—Yes; many of them were sent to the Crimea.

1144. *Chairman.*] Do you think it desirable that they should have a probationary period of service?—Certainly.

1145. Of what length?—I think an assistant-surgeon ought to be gazetted at once. The preliminary examination ought to be a sufficient test to insure good men; and they should be gazetted at once as assistant-surgeons. I do not think it is fair to a medical officer to say, you get your acting assistant-surgeoncy, and if we do not want you we will scratch you out of the service.

1146. Sir *J. Trollope.*] Has it been found in practice that any of those young men who have been acting assistant-surgeons at Chatham have been found inefficient, and have been dismissed from the service?—I have no doubt it has; and if the present scale of allowances continues, and the present qualifications, I think it must be so. I am only speaking of doing away with the acting assistant-surgeons in the event of the additional examination I have proposed being sufficient to test the candidate's qualifications.

1147. Then there is a want of a probationary period?—There is a want of a sufficient probationary period to teach the man the duty under the principal medical officer at Chatham, just to show him what the duties of the service are, and I would gazette him to the staff first, not to a regiment, because if an assistant-surgeon is appointed to a regiment he may immediately find himself in charge of 40 or 50 sick.

1148. During the time you were at Chatham, when you had from six to 12 young men there, had you very few inmates in the hospital?—I should say generally about 200 or 250.

1149. Was that sufficient to keep those gentlemen employed?—At times not; and at times it was so, because invalids may come home 100 at a time.

1150. Were there facilities for improving themselves and completing their studies there?—Yes, there were, as far as operative surgery went and *post mortem* examinations; a great many men died, and they were examined.

1151. Mr. *Peel.*] Is every assistant-surgeon required to pass through his preliminary grade of acting assistant?—I do not know whether they are now or not. To the best of my belief they are.

1152. Even when the army is on the peace establishment?—I think so.

1153. Without reference to those temporary appointments made during the war?—Yes, I think so; unless vacancies took place so quickly that there would be no time to make a man acting assistant-surgeon.

1154. You state that you think that an assistant-surgeon should go rather on the staff from Chatham than be appointed as a regimental surgeon; will you state distinctly the difference between the duties of a staff surgeon and a regimental surgeon?—A staff assistant-surgeon is generally speaking under the surveillance of a medical officer of higher rank. A regimental assistant-surgeon is not always so; he is in charge of depôts, or in charge of a regiment where the surgeon is absent; he may have from 20 to 50 sick; my assistant-surgeon now in the 15th Hussars has been in charge of the regiment many months; he does the duties of the regiment.

1155. Sir *J. Ferguson.*] Are not the patients usually divided between the surgeon and the assistant-surgeon?—It depends entirely upon the surgeon. The duties are laid down, but the surgeon has complete power over everything.

1156. *Chairman.*] Will you state the duties of a regimental surgeon?—The duties of a regimental surgeon of infantry and of cavalry somewhat differ. A regimental surgeon of infantry goes to his hospital in winter at 10 o'clock; he sees all the sick; he signs the morning returns; he ought to enter every man's name, his case, his disease, and his treatment; he ought to see him provided for in bed; he orders his medicines for him, and by the present regulations he is obliged to make up those medicines.

1157. Mr. *Percy.*] Is it correct to say that he is required to combine the functions of dispenser, dresser, and clerk, with those of assistant-surgeon?—Everything.

1158. Whether in time of war or in time of peace?—That has been relaxed

H. Mapleton, Esq., M. D.

22 May 1856.

of late by the appointment of gentlemen called dispensers. The regimental surgeon also sees the women and children, and prescribes for them; he sees sick officers that require to be seen; he perhaps has to attend parade at any hour the commanding officer sees fit, not interfering, generally speaking, with his hospital duties. He has to visit the hospital again between 8 and 9 in the evening; and he is supposed to be present at all times and hours during the day and night. And in a strong infantry regiment there are many nights during a month that he is called out of his bed to see sick of some sort or other. The cavalry surgeon has, in addition to those duties, to attend field-days (or he ought to do so) on five out of the seven days during the week in the six summer months, those field-days lasting from three to seven hours. He has monthly reports to make up, and annual reports, and various correspondence connected with the hospital.

1159. Colonel *North.*] That would be common to both, of course?—Common to both.

1160. Mr. *Percy.*] One duty is "to attend all field-days, and invariably at target practice"?—Yes, all field-days during the summer months; during the winter there are no field-days; that is the cavalry surgeon. The infantry surgeon has to attend his field-days also, but they are not so often as the cavalry field-days; the number of medical officers are not sufficiently large to enable the regulations to be enforced.

1161. Sir *H. Davie.*] Will you state the reason why it is considered necessary to have the medical officer attending at all the cavalry field-days?—The men are liable to sudden accidents; a man is thrown from his horse and gets a fracture, and if the surgeon is not there to superintend the removal of that man the fracture would be dangerous, and perhaps fatal; from being what the surgeons call a simple fracture, where the skin is not broken, it might become a compound fracture, where the bone is put through the skin; therefore it is highly necessary for the surgeon to be there to prevent a simple fracture being made a compound one; but the number of medical officers is not sufficient to enable this rule to be complied with, though I think it is necessary for the safety of the soldiers.

1162. By the regulations of the service no military punishment can take place without a medical officer attending?—None.

1163. *Chairman.*] Is the position of the regimental surgeon in the service similar in peace and in war; is there more or less supervision over him in time of peace than in time of war?—Unless a man is in a garrison town there is no supervision in time of peace except that of the military commander, at many stations.

1164. What supervision is there in time of war?—There is the supervision of the three administrators who are placed above him.

1165. Does he on many occasions act alone in time of peace?—He is obliged to act alone in time of peace; he is at stations where there are not only no medical officers, but no civil surgeons within reach.

1166. Will you state the duties of an assistant-surgeon?—The duties of an assistant-surgeon are detailed in the War-office Regulations. He is under the control of the surgeon; he is supposed to do the mere medical duties when the surgeon is present; that is to say, making the medicines, seeing that the patients get their medicines and bandaging, and dressing sores.

1167. Colonel *Kingscote.*] In the case of the temporary absence of the surgeon he is in sole charge?—He is. I never interfere with the assistant-surgeon; he treats his sick exactly as I do mine; he consults me on all serious cases, but I never interfere with their treatment ordinarily.

1168. Sir *J. Ferguson.*] Is not the assistant surgeon constantly sent in charge of a detachment, and in that case does not he act independently as acting surgeon?—Quite so.

1169. Mr. *Bellew.*] Then I understand you to say that your assistant surgeon acts as independently when he is acting with you in the treatment of the sick, as if he had no superior officer over him?—That is a personal matter; it depends entirely upon the surgeon himself.

1170. Is such the usual custom in the service?—I am not aware; not to that extent perhaps. It depends entirely upon the assistant surgeon; if he is a good man you trust him.

1171. Mr. *Percy.*] Is it the custom generally for the surgeon to divide his patients with the assistant surgeon?—I think so.

1172. Sir *J. Trollope.*] Is it not the fact that owing to the heavy duties thrown upon the surgeon and the assistant surgeon, they can rarely obtain leave of absence?—Very rarely.

1173. Is that much felt by the Army Medical Department?—Very much indeed.

1174. Mr. *Peel.*] Is it unavoidable that leave of absence should be rarely granted?—It is unavoidable, because the number of medical officers in each regiment is so small that you cannot allow them leave of absence.

1175. Would you increase the number?—I would; I think it is impossible that the duty can be properly carried on by the number of medical officers at present attached to the regiments, especially the cavalry regiments.

1176. In a cavalry regiment do you think that a surgeon and assistant surgeon is not sufficient?—Certainly not; it is sufficient if a cavalry regiment has always the surgeon and assistant surgeon at head quarters. A cavalry regiment at head quarters should never be without a surgeon and assistant surgeon.

1177. Sir *J. Trollope.*] Owing to the detached nature of the duties of home service, is it not the fact that the troops are frequently sent to posts where they have no surgeon and no assistant surgeon?—They are sent to posts where there is no army surgeon; I do not think there is any post where there is not some civil practitioner, who is employed at a certain rate to attend the troops; but whenever a squadron (that is two troops) goes out the order is, that the assistant surgeon shall accompany it; no matter if there are six or eight troops left at head quarters, the order is, that the assistant surgeon must accompany those two troops.

1178. Mr. *Peel.*] How many assistant surgeons had the cavalry regiments on service in the East?—I think two.

1179. How many had the infantry regiments?—I think two.

1180. Sir *J. Ferguson.*] In many cases had not they three or four acting assistant surgeons?—Those are attached; they do not belong to the regiment. I am not certain of the strength of the regiments in the Crimea, but I think it is one surgeon and two assistant surgeons to every 1,000 men.

1181. Mr. *Bellew.*] Would you approve of increasing the staff surgeons of the army considerably?—Certainly not the staff surgeons; I would do away with them altogether.

1182. You do not think that any increase of the staff surgeons, without an increase of the regimental surgeons or assistant surgeons, would be sufficient to enable the surgeons to get leave of absence?—No; all that we want is another regimental assistant surgeon to each regiment.

1183. Sir *J. Ferguson.*] Have you any opinion as to the number of assistant surgeons that there ought to be in proportion to the number of men?—I think that every 1,000 men should have one surgeon and two assistants, and that every regiment of cavalry should have one surgeon and two assistants in time of peace.

1184. In time of war, how many?—In war I would have the same, unless the strength of the regiment is increased.

1185. Is not that about the existing number in the Crimea?—I do not know what the number is in the Crimea for certain.

1186. Colonel *North.*] How many were there before the war?—Before the war, every regiment of 800 strong, had one surgeon and one assistant at home.

1187. *Chairman.*] Into how many ranks is the medical department at present subdivided?—We have six ranks; acting assistant surgeon, assistant surgeon, surgeon staff or regimental, staff surgeon of the first class, deputy inspector-general, and inspector-general.

1188. Are all those necessary?—I think not.

1189. How many do you think are unnecessary?—I would do away with the acting assistant surgeon, provided the pay and inducements were (as I have stated before) such as to enable you to do so, and to have a competitive examination. Then, I think, the number of administrative medical officers are too many; I think there should be but two administrative, and two executive.

1190. Will you state the distinction between administrative and executive medical officers?—One man superintends the work of another, and the other does the work.

H. Mapleton, Esq., M. D.

22 May 1856.

1191. Will you give an illustration in a general hospital?—In a general hospital, a staff surgeon of the first class (and in some other hospitals) will do the work of a regimental surgeon; but the same man may be sent away from the general hospital, and he may superintend 1,000, 2,000, 3,000, or 4,000 men.

1192. Is there anything like this distinction between administrative and executive medical officers among civilians?—Nothing whatever in private life.

1193. Will you state what is meant by the distinction in the Army Medical Department?—In the Army Medical Department a surgeon can get an order from a staff surgeon of the first class, from a deputy inspector, or an inspector-general, as to the amount of food that he shall give the patient, as to the amount of medical comforts that he shall give to the patient, and as to the medicines that he shall prescribe for the patient. Now in private life that would not be tolerated; a man would consult in private life, and not be ordered.

1194. Would you have no administrative branch?—I would have an administrative rank for the general superintendence, that is actually necessary, but not so many.

1195. Sir *J. Trollope.*] You would retain the rank of inspector of hospitals?—I would retain the rank of inspector of hospitals and deputy inspector of hospitals, and I would abolish the rank of staff surgeon of the first class.

1196. You consider that the interference by the administrative officers with the executive officers is too great?—I do; they are too nearly of the same age; many of the higher rank are juniors. A man comes home, and finds that another junior to him is staff surgeon of the first class, and therefore he is impatient at the interference of that man.

1197. Do you think that the advantage of the service would be promoted by leaving the surgeons of regiments more to their own responsibility, with less interference by the classes above them?—Yes.

1198. Mr. *Peel.*] As a regimental surgeon, you would have no hesitation in taking a case out of the hands of the assistant surgeon if you had no confidence in him?—None.

1199. Why should not the same principle be adopted in the case of the higher class?—An assistant surgeon is necessarily junior to the surgeon. A staff surgeon is not necessarily senior to a regimental.

1200. Do you mean junior in standing?—Junior in standing in the profession. In the profession in private life a consulting medical man is one who has by age or experience, or something extraordinary, gained the confidence of the profession. In the army a staff surgeon of the first class is promoted, not because he has gained the confidence of the regimental surgeons, but simply because he has been senior at the station where the vacancy happened, or has been selected by merit.

1201. So that, as a general rule, the higher the rank of the medical officer the longer is his standing?—No, that is not the rule of the service.

1202. But it is the general result, is not it?—No. There are many regimental surgeons now in India of twenty years' service, and many staff surgeons of the first class under twenty years' service; nay, there are deputy inspectors under twenty years' service, or about that period of service; and there are other men in India and in the colonies equally good men, perhaps better, who are still regimental surgeons, and who have not had a chance of being promoted.

1203. What would be the duties of the administrative class of army medical officers under your new arrangement?—I would make a clear line of demarcation between the administrative and the executive; and I would make a certain number of years in the service necessary before they are made administrative officers.

1204. Mr. *Percy.*] A consulting physician or surgeon in a civil hospital has no power of interference with the medical treatment?—None whatever.

1205. Colonel *Kingscote.*] In time of war how would you propose to use the staff surgeons or the deputy inspectors?—I would have them much in the same way as they were before 1840. This rank of staff surgeon of the first class was made in 1840. It was made at the recommendation chiefly of Mr. Guthrie and Sir James M'Grigor before the Military Commission which the Duke of Wellington presided over. Mr. Guthrie said that an army in the field wanted few administrative, but a great number of practical officers. He said he found that

that the administrative officers, the inspectors, talked a great deal but seldom worked, and that he wanted men who would work and not talk. More than that, he said that many of those inspectors, after a certain number of years, gave up their profession, and that they knew so little of it, that they should physic nothing belonging to him. Now, in my opinion, with all due deference to so great a man as he was, I think it was a pity that he recommended the same rank under another name; he recommended the assistant inspectors to be abolished, and staff surgeons of the first class to be substituted. He said that in the Peninsula a staff surgeon had the superintendence of six or seven regiments, and therefore it was necessary that he should be of higher rank. I think it would have been better if the six or seven regiments had had a deputy inspector, and if the staff surgeon had remained, as he was then, an executive officer. I approve of superintendence; it is an actual necessity; but not so many superintendents.

1206. Do you think it would be an advantage to the patients to have some superintendence?—In civil hospitals the medical officers would not approve of it; they would resign in a body.

1207. Mr. *Bellew.*] Are you aware of any cases where the interference of those staff surgeons was found vexatious and injurious to the general working of the system?—I am. One of the best surgeons we had in the service, and who has since died, was interfered with in that way, and he wished to leave his regiment, where he was looked upon as one of the best medical officers that ever joined it, to enable him to get out of the surveillance of a man who was his junior in the service; that was the surgeon of the 4th Dragoon Guards.

1208. Sir *J. Ferguson.*] Have you known in practice staff surgeons placed above regimental surgeons, to strike off a portion of the requisitions for medicines sent in by those regimental surgeons, for no apparent reason?—I believe it is stated in Mr. Maxwell's case in evidence, but I have known no case myself of that.

1209. Colonel *North.*] Are not surgeons often subject to great annoyance and lengthened correspondence in ordering comforts for the sick?—I never found any difficulty whatever myself.

1210. What length of service would you require before an executive officer should become an administrative one?—I think no person should be made an administrative officer till he had been 20 years in the service, as a rule; of course in time of war some rules must be abandoned; I think he should have the confidence, both from age and experience, of the men whom he superintends, and if he is made young they will not have that confidence in him.

1211. Sir *H. Davie.*] You stated that regimental surgeons were made staff surgeons not by seniority but in consequence of merit?—I think the head of the department professes that all promotions to the superintending ranks shall be by selections for merit.

1212. They hitherto have been more by selection than by seniority, have they?—I think Dr. Smith answered that himself. I think he said, that all his selections for the higher grades are by merit, and for the lower grades by seniority on the station, supposing there is nothing against the man.

1213. Is it your impression that those selections have been generally fair, owing to merit?—I have not knowledge of the subject sufficient to judge of that correctly.

1214. Mr. *Percy.*] Dr. Hall objects to the use of chloroform for gun-shot wounds; would he have the power of prohibiting it?—It does not amount to power; but there is many a young medical officer, who knowing his opinion, would be afraid to use chloroform, because if an accident happened he would think that the head of the Department would say, "You have killed the man."

1215. *Chairman.*] Is there any fixed rule for the promotion of an assistant surgeon to the rank of surgeon?—There is seniority on the station in which the vacancy takes place.

1216. That is a fixed rule?—I believe so; that is supposing there is nothing against the man.

1217. Does that seniority on the station involve any period of residence on the station?—None whatever that I know of.

1218. Mr. *Peel.*] What would you consider the station for the purpose of this promotion; would the West Indies and British North America be considered as one station for promotion?—No.

H. Mapleton, Esq., M. D.

22 May 1856.

1219. *Chairman.*] Are the stations defined?—Yes, I believe.

1220. How many are there throughout the world?—I dare say there are about 15 stations.

1221. Mr. *Peel.*] The whole Mediterranean would be considered one station for the purpose of promoting medical officers?—It depends entirely upon the will of the head of the department.

1222. He has regard to the facilities of communication between the different posts?—It depends on his will what he thinks necessary and right

1223. In practice, would not the senior officer in Malta complain if a junior officer in Gibraltar was promoted above him?—Yes; perhaps the whole Mediterranean is one station; but I do not know whether that rule is carried out.

1224. Is not the rule you speak of simply a matter of convenience as regards the facilities of communication between one part of the world and another?—I think it is to avoid the expense of relief; I think the cause of the rule is, that it would be a great expense to remove a man from Canada to New Zealand if a vacancy took place there, and there was a senior in the service in Canada.

1225. Would not the expense of going from North America to the West Indies be very inconsiderable?—I think a man going from North America to the West Indies would get there most quickly by coming to England first.

1226. Is not it the case that the military stations in the army medical service are kept perfectly distinct, the one from the other, for the purpose of promotion?—As much as possible.

1227. *Chairman.*] Could an army surgeon in the West Indies, after working through an attack of yellow fever in the West Indies, find that by the rule of seniority another person arriving at the station, say one week, was promoted over his head the next week?—Certainly.

1228. That is to say; it would be in the power of the Director-general to send a person to interlope between the person who was about to leave, and a person who had toiled through a season of yellow fever?—Certainly; that was a common occurrence during the late war in Turkey.

1229. If you think that inconvenient is there any remedy that you can suggest?—I would promote every man by seniority in the whole body, supposing there was nothing against him; that is, supposing there was no court of inquiry consequent upon a report unfavourable to him, and confirming that report.

1230. Would not the expense be very great in moving those officers from one station to another, not to mention other inconveniences?—There would be no expense if advantage was taken of sending men out in charge of drafts, which go to all those stations every year, and home of invalids.

1231. Mr. *Peel.*] Would there not be inconvenience in allowing the vacancy to remain unfilled 12 months?—The duty would be performed by the senior assistant surgeon until the vacancy was supplied from England.

1232. Mr. *Percy.*] Might not a surgeon be a very inefficient surgeon though there were no reports against him?—I think that either the medical authority or the military authority would report against him if he was very inefficient.

1233. Mr. *Peel.*] Supposing the surgeoncy of a regiment in New Zealand fell vacant, and the senior assistant surgeon was in England or in any distant colony, would you keep the surgeoncy of that regiment vacant till the arrival of that medical officer from England?—No. I think no man should be appointed to the surgeoncy of a regiment till he has had an opportunity of studying his profession after his entering the service. I would make the very first promotion from assistant-surgeon to surgeon to the staff. No matter where the man was serving, he should get that promotion by seniority in the whole corps. I would bring that man to England as staff surgeon, and make him go to the military professor for one season; if he was an Irishman, to Dublin; if he was an Englishman, to London; and if he was a Scotchman, to Scotland; and at the completion of that season he should go to Chatham to the General Hospital. And he should further be reported upon as to his efficiency, not only as to his professional abilities, but as to his temper and his habits, and his fitness altogether to be placed in the most responsible charge of surgeon of a regiment. I would reduce the staff surgeons to one rank, and would make the staff surgeon in all respects equal to the regimental surgeon,

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doing the duty of regimental surgeon in general hospitals and field hospitals; and I would make surgeons of the first class deputy inspectors general as vacancies occur.

1234. How would you temporarily provide for the performance of those duties at the station till the arrival of the person selected in this country?—The senior assistant-surgeon on the station should perform the duty during the interval. That is done now.

1235. Would not that senior assistant-surgeon, after having provisionally filled the appointment for twelve months well, consider it hard to be superseded by an officer coming out from a distance?—Certainly not, because he has to do it now; he would not consider it hard if it was a rule of the service. Because he was obliged to do the regimental surgeon's duty, he could hardly expect to succeed to the post if there were assistant-surgeons ten or twelve years senior to him.

1236. Mr. *Bellew.*] You spoke just now of an assistant-surgeon getting his promotion by seniority as a matter of course, if there was nothing against him. If a man was reported against in the confidential reports, should that be sufficient to stop his promotion?—Certainly not.

1237. Are you aware that such is the practice in the service?—I have heard of late that such was the custom of the service, but I was not aware of it till lately.

1238. Are you aware what is the feeling of the army medical officers upon that subject?—The army medical officers feel that it is a most un-English practice, and an exception to everything else in the country.

1239. Are you aware that confidential reports exist as a general system in the army?—Certainly.

1240. And that except in the medical profession, they are not considered a hardship?—Confidential reports on military men are necessary, and on medical officers they are necessary too; but if the confidential reports go to the extent of stopping a military man's promotion, that is not done without the military officer being made acquainted with the nature of the reports against him ordinarily; whereas if a medical officer has a confidential report against him, he knows nothing about it, but he finds that he is not promoted, and he does not know the reason. Surely it is very unjust to stop a man's promotion and damn him for ever without giving him an opportunity for explanation.

1241. Do you think that case is possible under the present system?—It has been stated before this Committee that it is the custom of the service, I believe.

1242. Mr. *Peel.*] Does the change you would recommend in the mode of promotion amount to this, that for the future all medical officers should be promoted by seniority, instead of by merit, as now?—I do not admit that medical officers are promoted by merit at this moment; I do not admit that the medical officers stated to be selected as superior to others are so superior. I admit that the head of the department has had it represented to him that they are so superior, but I doubt whether they are so superior in fact.

1243. But whatever the present mode is, you would supersede it by a system of seniority?—I would; and the reason I say that is, that I know men, good professional men, good men in every way, who had been serving at some station, and others have gone over their heads for merit, although the men passed over I knew to be as good men as the others.

1244. *Chairman.*] Do regimental surgeons sometimes refuse promotion?—They do.

1245. Why?—Because they consider that, under the present system, and especially before the present war, promotion was a name having no substance, if a man did not intend to remain all his life in the service; I refused promotion myself.

1246. Mr. *Peel.*] Is it usual for a medical officer, before he becomes a staff surgeon of the first class, to have been both a regimental surgeon and a staff surgeon of the second class?—It is not necessary.

1247. Is it usual?—There are many instances where men who have not been in a regiment have obtained the highest rank in the department, even that of inspector-general.

1248. Colonel *North.*] What is the rank of a staff surgeon of the second class relatively to a surgeon or an assistant-surgeon of a regiment?—It is the same rank as regimental surgeon.

H. Mapleton, Esq., M. D.

22 May 1856.

1249. Then it is no promotion to him to be appointed to a regiment?—Some men like a regiment; others like the staff.

1250. Is there more pay?—There is the same pay; but the expenses of the staff in certain cases are not so great as the expenses of a regiment.

1251. Mr. *Percy*.] Do you think the director-general has the means of ascertaining the merits of the officers?—That depends upon the reports of the principal medical officers upon the spot; whether those reports are favourable or unfavourable, depends mainly upon the nature of the connexion between the individual reported upon and the principal medical officers.

1252. Mr. *Bellew*.] The principal medical officer at a station will have several young assistant-surgeons and surgeons under his care. If he is himself a careless man, and consequently inducing carelessness in those under him, might not it appear in his confidential reports as though it was the fault of the men under him, and no fault of his, that the medical duties at his station did not go on as well as they ought to do, although in reality it was all caused by his own negligence?—Such a thing might happen. All that is required by the medical officers with respect to the confidential reports is, that they should have the same treatment that the military officers, the engineer officers, and the artillery officers get (and that any person in private life gets), namely, that if there is a report against a man to such an extent as to stop his promotion, he should have an opportunity of explanation in the same way as a military officer.

1253. Is not that the case with the medical officers?—I believe it has been stated that it is not so.

1254. Mr. *Peel*.] Will you state what are the steps which you would recommend in your new gradation of rank?—I would have an inspector-general or a deputy inspector-general on all stations requiring superintending duties, some of which at the present moment are performed by staff surgeons of the first class; therefore it would be necessary, under such circumstances, to increase the number of those ranks for the requirements of the service. I would then have staff surgeons or surgeons of the forces who should be equal in rank, and equal in every way, to regimental surgeons, and assistant staff and assistant regimental surgeons as at present. That would be a great improvement to the service, because at the commencement of the war there were a great many men in India, first-rate surgeons; but you could not make those men available for the two higher ranks, because before a man can become a deputy inspector, he must serve two or three years as staff surgeon of the first class, which they had not done; therefore you had one-third of the medical officers of the British army out of the power of selection.

1255. Have any recommendations been made with regard to the rank of staff surgeon of the first class; are the titles of staff surgeon of the first class and staff surgeon of the second class objected to by the profession?—I think the title of staff surgeon of the second class is very much objected to by those officers; they do not like to be called second class staff surgeons; it is not an acceptable term to them; the rank of staff surgeon of the second class was instituted not for the public service at all; it was created in 1840 to give promotion to old assistant-surgeons, and for no other reason; and it was so stated in the warrant issued in 1840 consequent upon the inquiry of the Military Commission.

1256. But staff surgeons of the second class are generally in full employment, are they not?—Yes, they do the duty of staff assistant-surgeons; and formerly the staff assistant-surgeon did the duty which is now done by the staff surgeon of the second class.

1257. Mr. *Noel*.] Are there not stations where the staff surgeon of the second class has nothing at all to do?—He is liable to have something to do. You must have some one there to do the duty which he may have to do; but it is not so heavy as that of a regimental surgeon, in many cases.

1258. *Chairman*.] Will you state what your views are with respect to the present scale of pay?—I think the assistant-surgeon's pay and the regimental surgeon's pay ought to be increased. I think the regimental surgeon (if the staff surgeon of the first class is abolished), after 15 years' service, ought to get exactly the pay and rank which the staff surgeon of the first class has now.

1259. What pay would you propose for an assistant-surgeon?—Considering the number of years that he has spent in learning his profession, and that he enters

enters at 21, I think the least that the man ought to get is 10 *s.* a day to begin with. I think that after five years it should be increased to 12 *s* ; and that after 10 years it should be increased to 13 *s.* a day. That is my opinion of a fair remuneration for an assistant-surgeon.

1260. Mr. *Peel.*] Are there many assistant-surgeons who have been 10 years such?—Not now ; very few ; but in time of peace there will be a great many. I think you ought to provide for a man being 10 years an assistant-surgeon.

1261. What increase of pay would that give to an assistant-surgeon?—That would be 2*s.* 6 *d.* a day. I am speaking of an infantry assistant-surgeon or the staff. I think a cavalry assistant-surgeon should get 1 *s.* 5 *d.* a day more, because he ought to keep two horses, and that is the regulated allowance that the Government stop from his pay when he does keep two horses.

1262. Colonel *North.*] Is he allowed forage for two horses?—Not unless he pays for it. There is a deduction of 8 ½ *d.* a day ; a cavalry assistant-surgeon has at the present moment 1 *s.* a day more than an infantry assistant surgeon ; but I think he ought to get the forage of the horses which he is allowed by the regulations to keep ; that is, 1*s.* 5*d.*

1263. Sir *J. Ferguson.*] You said that you thought the existing scale of pay of the assistant-surgeons was not such as to secure candidates of the first class of medical talent : do you think that the scale of pay which you propose would secure it?—I think so, if combined with other advantages, which I will enumerate hereafter.

1264. Colonel *North.*] Is there any difference in pay between an assistant-surgeon in the cavalry and the infantry?—Yes, 1 *s.* a day.

1265. *Chairman.*] Now, as to the surgeon, what rate of pay would you recommend?—To a surgeon, if under 10 years' service, I would give the same rate of pay as at present, that is 13 *s.* a day ; if he has more than 10 years' service, and under 15, 15*s.* a day ; and if he has more than 15 years' service, I would give him the same relative rank as a staff surgeon of the first class, and the same pay that a staff surgeon of the first class has now, 19 *s.* a day ; on his completing 20 years I would give him 22 *s.* a day, and on his completing 25 years I would give him 24 *s.* a day.

1266. What is the rank that you would give to a surgeon of the first class, relatively to military rank?—Major ; the rank is merely to enable him to take the choice of quarters, prize money, &c., not military rank.

1267. What rate of pay would you give to the next rank?—The next rank, supposing that of first class staff surgeon is abolished, is that of deputy-inspector ; I would give him extra pay for climate ; I would allow his ordinary pay to remain as it is now at all stations abroad ; and I would give him extra pay according to the climate and the nature of his duties.

1268. Mr. *Peel.*] Do not they now receive climate pay in any cases?—In some cases they do.

1269. In Ceylon, for instance?—In Ceylon they do ; they get from 1,200 *l.* to 1,500 *l.* a year altogether.

1270. Would you also count as increased service a man being stationed in unhealthy climates?—I think not ; I think many men suffer for life from being two years in a very bad climate ; other men may be in a very good climate, such as Canada or the Mediterranean, where they would rather be all their lives than be in England.

1271. Sir *H. Davie.*] Have you ever made any sort of calculation, in a rough way, what the additional expense of all this would be annually to the country? —I have ; not very lately, but some little time ago.

1272. Will you state your calculation?—I came to the conclusion that it would cost somewhere about 40,000 *l.* a year more than at present.

1273. Mr. *Peel.*] Is that after allowing for the reduction that would take place at the close of the war?—Yes. Of course those reduced must wait till vacancies happen.

1274. Colonel *North.*] Is that upon the supposition of having two assistant-surgeons to each regiment?—Yes.

1275. Mr. *Bellew.*] Can a regimental surgeon, after any length of service, retire upon full pay?—Yes, but not the full pay he is getting at the time. Then with respect to the pay of the deputy-inspectors, a deputy-inspector gets now 1 *l.* 4 *s.*, 1 *l.* 8 *s.*, or 1 *l.* 10 *s.* a day, according to his service. In addition to that sum I would give them all pay according to the station of which they had

H. Mapleton, Esq., M. D.

22 May 1856.

charge, increasing the number of stations for the deputy-inspectors to the number that you have now of staff surgeons in charge, such as Malta, the Mauritius, Hong Kong, Plymouth, and several other stations which I have forgotten. For the inspectors I would do the same, and I would increase their number a little; London and Chatham, &c.

1276. *Chairman.*] And their pay?—I think their pay is sufficient, considering that they have abroad on all stations very good colonial allowances. If there were any created in England, such as one at Chatham in charge of the General Hospital, which I think there ought to be, I would give him more pay for the duty at the station. The inspector of Bengal gets 3,000 *l.* a year. I do not think it would be advisable to give him more.

1277. Sir *H. Davie.*] What is the half-pay of an inspector-general?—After 30 years' service he gets 30 *s.* a day; after 25 years' service he gets 1 *l.* 5 *s.*; after 20 years' service, 1 *l.* a day.

1278. Are you aware that a general officer in the army who, perhaps, has spent a good deal of money in the purchase of his rank, has 25 *s.* a day?—Yes. But that, as far as regards the country and the Government, is a matter of convenience between him and the man who succeeded him in the regiment. The country gains nothing by the purchase-money of a military officer in the army. The country pay him for his work 25 *s.* a day, without reference to the sum which he has paid for his commission.

1279. Colonel *North.*] Do I understand you rightly that a surgeon in a cavalry regiment has a greater deduction made from him on account of forage than any other officer in the regiment?—No. A cavalry surgeon gets no more pay than an infantry surgeon; I think he ought to get more pay than an infantry surgeon, because all cavalry officers get more than infantry. A cavalry surgeon of the East India Company does, and the cavalry surgeons of the Queen's regiments in the East Indies do, because they are put to the same amount of necessary expense for uniforms and other things in the cavalry as other cavalry officers.

1280. But the deduction for forage is the same as to any other officer?—The forage is the same as to any other officer. I would not give the man his forage, but give him the necessary pay to pay for that forage.

1281. Mr. *Noel.*] An assistant-surgeon does receive 1 *s.* a day extra for forage?—Yes; but a cavalry surgeon does not, which I think is a grievance to the cavalry surgeon.

1282. Mr. *Bellew.*] Under the system of promotion you have laid down for the medical department of the army, is it not very likely that an infantry surgeon might be appointed to a cavalry regiment?—He is now frequently; a man can get appointed to the cavalry by the head of the department.

1283. Is it often the case that such an appointment takes place without the man making application?—Not often. There are generally more applications for the cavalry in time of peace.

1284. *Chairman.*] As to retirement, what would you propose for the period of service?—I think a medical officer should be allowed to retire after 20 years' service; at present no officer under 25 years' service is allowed to retire, except on account of ill-health; and the time he is on half pay does not count.

1285. Why do you think that he should be allowed to retire after 20 years' service?—I think many medical officers of the army get broken down in health with long tropical service. Those officers come home, and if they have to go again to a foreign station, with their health broken, it may be fatal.

1286. Are there any statistics with regard to the mortality of the army medical officers, which you can put before the Committee?—Certainly.

1287. Can you state their general effect?—The mortality of the army medical officers is more than 2 ½ per cent. annually of the whole; and it is 124 per cent. more than that of the male population of Great Britain; the proof of that is that in 1833, 27 officers entered the service, and after 20 years of active service, I think there were only eight of them alive, and in other years there is the same proportion. In 1825, I think there were 76; and 25 years afterwards there were only 24 of those alive. Therefore in making a calculation as to the number of medical officers that could retire after 20 years' service, it must be taken into account that very few would be alive to take advantage of it; and those few, if there were proper inducements for a longer period of active service,

service, would not take advantage of it, unless on account of ill-health or some extraordinary circumstance.

1288. In fixing the period of retirement, you would incline rather to the safe side, considering the danger of surgical operations being trusted to persons deficient either in strength, or in sight, or in nerve?—I would ease such men out of the service for the sake of the service; men that are nervous or lose their sight, and whose performing a dangerous and difficult operation might be fatal to life; I would ease such a man off, instead of obliging him to remain another five years in the service in order to get his retirement in full.

1289. Have you seen in the course of your experience any painful results from operations performed by persons not quite competent to them on account of failure of strength, or nerve, or eyesight?—I saw one instance of a man's death caused by want of nerve and want of sight, consequent on age.

1290. Mr. *Peel.*] How many years had that officer been in the service?—It was not in the service.

1291. *Chairman.*] But what happened out of the service might happen in the service?—Just so.

1292. Colonel *North.*] Were the surgeons of the infantry regiments in the Crimea allowed horses and forage?—They get their forage for nothing, I believe.

1293. Were they allowed bâtmen?—That I cannot tell; I think they had a servant, but whether they had an extra servant as a bâtman I cannot tell.

1294. Sir *H. Davie.*] If an army surgeon, from defective sight or want of nerve, was not competent to perform operations, would it not be the duty of somebody to have him removed?—It might not be known. In many cases the surgeon in charge of a regiment at a station in Ireland, or at many stations in the East Indies, would have no one to consult with very likely at the moment. A man falls off a horse, and injures himself, and an artery has to be tied; or the man gets a rupture, and an operation must be performed without delay, and the medical man has no assistance; therefore the greater care should be taken in the selection of those surgeons of regiments.

1295. In the case referred to of a person who from age had infirmities come upon him, such as loss of sight, or want of nerve, would a person in such a position as that not be removed by some authority or other?—If it was known he would.

1296. How could it remain long unknown?—There are men in the service doing executive duties of about 70 years old at this moment, I believe, at recruiting districts.

1297. Mr. *Peel.*] Although they are at liberty to retire if they please?—They are at liberty to retire if they please, but the pay is not sufficient to enable them to retire; and moreover they are obliged to serve a certain number of years in the rank they are in before they are allowed to retire; and those officers would have to serve perhaps till they are upwards of 70 years old before they can retire on the rate of pay of the rank they are serving in.

1298. Colonel *North.*] Then the rate of pay on retirement does not depend on the number of years' service, but you must have a certain number of years' service in the rank?—In the rank.

1299. Mr. *Nodl.*] And they remain in the service on account of the smallness of the half-pay?—Yes; we are not wealthy men as a body, and we are obliged to take every advantage that we can of the service.

1300. Mr. *Bellew.*] Did you ever hear of a case where a regimental surgeon has been reported by his colonel as inefficient, and no notice has been taken of that report?—I really wish not to answer that question.

1301. Sir *H. Davie.*] What do you suppose would be about the average age of officers who would retire if they had the option of retiring after 20 years' service?—A man cannot enter the army medical department till he is 21, and generally speaking they are 22, 23, or 24. I should say 43 or 44 years of age would be the average.

1302. And then they would have the power of retiring, whether their health has suffered or not?—They would, because with respect to every man who has had tropical service, or foreign service, or hard home service as a medical man, his age is more than his appearance, that is to say, his constitution has suffered; instead of being a man of 44, as he would have been had he remained in England, he is a man of 54 in constitution.

1303. Is it not possible that a man may have served in a cavalry regiment without

H. Mapleton, Esq., M. D.

22 May 1856.

without ever leaving England?—It is possible; but the ordinary rule is, that he does not get to be a surgeon to a cavalry regiment until he has served many years as assistant-surgeon; he is not appointed from assistant-surgeon in time of peace to a cavalry regiment as surgeon; the way he gets into the cavalry as a young surgeon is the way I did myself, by exchanging from the infantry to the cavalry.

1304. Mr. *Peel.*] Should you anticipate that the power of retirement after 20 years' service would enable an officer retiring to get civil practice?—Never. I do not think an army surgeon after 20 years' service would ever get private practice; his habits are quite contrary to what is required in private practice; he knows very little of the diseases of women and children; he has been brought up amongst officers with habits which are quite inconsistent with practice in private life.

1305. Mr. *Noel.*] Do you think that the retirement ought to be compulsory after a certain number of years' service?—Yes. I think that every man on completing 60 years of age, as a medical man, should be obliged to leave the service.

1306. *Chairman.*] What are your views as to the proper arrangements for the veterinary surgeon as to pay and retirement?—The veterinary surgeon joins the regiment as cornet, and after 10 years' service he ranks as lieutenant, and after 20 years' service as captain, and his rate of pay is increased according to his length of service; he joins on 8*s.* a day, with his rank of cornet; after 10 years he gets the rank of lieutenant, on 12*s.* a day; after 20 years he ranks as captain, with a further increase of pay, I believe.

1307. Colonel *North.*] What is the pay of an assistant-surgeon?—Eight shillings and sixpence in cavalry; 7*s.* 6*d.* in the infantry or staff.

1308. Then the veterinary surgeon has 6 *d.* a day more than the assistant-surgeon?—The veterinary surgeon has 6 *d.* a day more than the assistant-surgeon of infantry, and 6*d.* a day less than the assistant-surgeon of cavalry.

1309. Mr. *Bellew.*] Are there not stoppages made against the medical officer for forage which are not made against other officers in infantry regiments?—If a regimental surgeon keeps a horse, there is a stoppage of 8½ *d.* a day, but there is no such stoppage against staff medical officers of the same rank, nor is there against the adjutant, the major, or the commanding officer.

1310. Sir *H. Davie.*] You said just now that army surgeons have no opportunities of having much experience of the diseases of women and children; but you stated it to be one of the duties of the regimental surgeon to attend the women and children of the regiment?—He is obliged to do so.

1311. In some regiments is there not a large number of women?—Yes; but generally there is a serjeant's wife in the regiment who has been instructed in midwifery, and it is only in any unnatural case that they call upon the surgeon.

1312. The surgeon does not attend the women in their confinements?—Not ordinarily; in any case in which humanity requires it he is called upon, and I dare say it could be enforced under any circumstances; but if the regimental surgeon had to attend the women of the regiment in their confinements, you must have three instead of two regimental medical officers, and one of them always told off for the women.

1313. Do they attend to the women married without leave, as well as those married with leave?—They make no difference.

1314. Mr. *Bellew.*] After a medical officer has retired on half-pay, are you aware of any appointments or emoluments besides their half-pay which are open to that class of officers?—There are none whatever, with one exception, that of surgeons of military prisons, who are supposed to give their attendance day and night for 5*s.* a day.

1315. Then comparing the case of a medical officer who goes on half-pay with that of a general officer, who forfeits the price of his commission by the fact of his becoming a general officer, the chances of after employment are much greater for the general officer than they are for the medical officer?—Very much greater. I do not think you can compare the military and the medical service. A military officer has two months' leave on his appointment; he has two or three years' leave when he is on service in foreign colonies; he has sick leave to a large amount before he is put off on half-pay; he goes to morning parade, and then he goes away where he pleases; whereas the medical officer

officer joins his regiment at once upon his appointment; he remains with it during all its tour of foreign service, and he is constantly at work in bad climates. When the military officer is in his quarters, the medical officer is toiling all day going round the compounds, seeing the sick.

1316. *Chairman.*] Do you think that the half-pay should be really so, or should it be a fixed sum; say seven-tenths?—No; the half-pay should not be fixed at the real half-pay or seven-tenths, for this reason, that unless you increase the extent of the full pay so as to make the full pay more than a proper remuneration for the officer, you would injure him instead of benefiting him.

1317. What is the present state of the half-pay?—At this moment I, as the surgeon of a cavalry regiment, after 17 years' service, receive 15*s.* a day. If you were to give me half-pay I should get 7*s.* 6*d.* a day, and I should not get an increase of full pay before 20 years, when I should get 19*s.* a day, the half of which would be 9*s.* 6*d.* I get no further increase till I have 25 years' service, and if I was obliged to be placed on half-pay at 24 years' service, at that rate I should get only 9*s.* 6*d.* a day. I think it is just and right that the amount of half-pay that a man is to get after certain service should be fixed. A veterinary surgeon at the present moment after 20 years' service, supposing he has been five years abroad, can claim retirement at the same rate of pay that I get if I am sick without being able to claim it, after 24 years' service as surgeon of a regiment.

1318. Mr. *Bellew.*] Are you aware that it is considered a great hardship by medical men in the army that no lengthened leave of absence can be obtained? It is a very great hardship; but it cannot be granted with the present reduced number of the establishment; and that is one of the great causes of the mortality of army surgeons, in my opinion.

1319. If the establishment were put on the footing you speak of, do you think it would cause inconvenience to the service to give the same amount of leave in case of sickness or other pressing causes that is given to other regimental officers?—None whatever; no inconvenience to the service.

1320. Mr. *Noel.*] How is it managed now; for instance, a squadron goes to out-quarters and the assistant-surgeon accompanies it, and a squadron or two squadrons remain under the charge of the regimental surgeon; under those circumstances how can he obtain leave of absence?—The only way in which he can obtain leave is by paying the expenses of the assistant-surgeon to the head-quarters of the cavalry regiment, and paying the expenses of the medical treatment of the squadron of which the assistant-surgeon had the charge at out-quarters.

1321. Colonel *North.*] Take the case of an assistant-surgeon returning from the Crimea ill. Is it the case that he is allowed not more than two or three months, and if his health is not restored in that time he is put on half-pay?—I think I heard Dr. Smith state before the Committee that he had a difficulty in allowing to any men more than three months' leave under such circumstances.

1322. You say that on half pay service their does not count?—No.

1323. And when they are well enough to be put on full pay, a considerable time may elapse before they are brought into service?—It may be a year.

1324. Sir *J. Ferguson.*] Have you any idea what the mortality has been amongst the medical officers in the Crimea?—I have not.

1325. Colonel *Kingscote.*] What amount of leave have you had yourself?—I have had no private leave for five years. I came back ill and I got three months' sick leave, but before it expired, I thought I was able to do duty.

1326. Mr. *Bellew.*] Do you know any cases of men going on half-pay because they could not get leave of absence?—Yes.

1327. The half-pay time does not count as service?—No; in fact almost every medical officer that goes on half-pay does it, because he is obliged to do so under 25 years' service.

1328. Mr. *Peel.*] Do you mean after he has served his 25 years?—No, at any period. Dr. Smith stated that he has a difficulty in giving a medical officer more than three months' sick leave, I think

1329. May an officer retire on half-pay at his option?—Not till he has served 25 years.

1330. Has Dr. Smith the power of putting him on half-pay?—At the recommendation of the Medical Board on account of sickness, or from other causes; for example, if a man is inefficient.

H. Mapleton, Esq., M. D.

22 May 1856.

1331. Supposing a medical officer wishes to come home on leave of absence, and cannot obtain leave of absence, he is not allowed to go on half-pay?—No, he would have to resign the service.

1332. In the cases of which you speak, of officers having gone on half-pay, why was that?—Because they could not get a lengthened period of sick leave, the same as military officers. The routine is, that a military officer is ordered to appear before a Medical Board before they grant him leave, and the Board say that they have examined this officer's case, and that, to the best of their judgment, he requires so much leave to restore his health; it may be from one month to two or three years, whatever the Medical Board think, if there is a probability of his ultimate recovery. But in the case of a medical officer, if the Medical Board say that it is necessary, for the sake of the officer's health, that he should have 12 months to recover, to the best of my belief he would be put on half-pay instead of having the sick leave granted to him.

1333. Would not a military officer who was stated to have a prospect of ultimate recovery after two or three years, be required to leave the service? —Not at all. I know an officer, a friend of mine, who got wounded at the battle of the Alma, who is still on leave. Now, that is a year and eight months ago. A man from the East Indies gets two years' leave, and from the Mediterranean he gets nine months, and from Canada he gets 12 months. On every foreign station there is a scale of leave laid down for military officers, which medical officers can never get.

1334. Sir *H. Davie.*] If a medical officer were to get 12 months' leave, how would you supply his place in the regiments during his absence?—My view is, that the regiment should always have an assistant-surgeon at head-quarters. There should be two assistant-surgeons to every regiment; and then on a detachment going out there would still be one assistant-surgeon at head quarters. I do not think it is at all necessary to give the medical officers two or three years' leave like the military officers; but I think the medical officer should have a little more leave than he has at present. I would give him six months for the Mediterranean, and I would give him 12 months from India, and I would give him three months from Ireland, or any other stations where the service would not suffer, leaving it entirely with the commanding officers of the regiment to be satisfied that the medical duties are performed during his absence.

1335. Mr. *Noel.*] And no reduction of pay from the medical officer?—None.

1336. Sir *H. Davie.*] You would make such indulgence dependent upon the medical duties of the regiment being able to be carried on without detriment? —The commanding officer of the regiment is responsible for seeing the men attended to. The regimental system, in my opinion, is complete and perfect in itself; and with the exception of a few little minor details of alteration, you cannot improve it. If the commanding officer of the regiment sees that the service will not suffer, as it regards either the officers or the men, from the temporary absence of the surgeon, I think he should be allowed to have a temporary absence.

1337. Would there be any objection, in the case of the surgeon being allowed six or 12 months' leave, to bringing a staff surgeon to do the duties in his absence?—None at all. Supposing there was no regimental medical officer present, a staff medical officer might be brought without any detriment to the service, to do his duties temporarily.

1338. Would not that be better than diminishing the medical strength of the regiment even for a short time?—No; I think that if the surgeon was allowed a temporary absence it should be only on condition that it was at a time when no very great sickness prevailed, and the regiment could do without his services, and the assistant would be equal to the work.

1339. But in the case of the surgeon of a regiment requiring leave of absence for the recovery of his health there would be no option as to choosing whether it was a convenient time?—Then it would depend entirely upon the capability of the assistant surgeon to take the surgeon's charge, which I presume would be always the case.

1340. *Chairman.*] Do you think the medical officers have sufficient military authority now?—I think the medical officer has every military authority that he ought to have. Nay, I myself think that we may be called upon to do too much

much in that way. We have every military authority, but we have no military command. We can place an officer under arrest. We can order a soldier into confinement; and we can be tried by a court-martial, and we can sit on Boards, and, if necessary, courts-martial. I think anything further than that would be injurious to the service.

1341. May not a medical officer holding high rank sit on a Military Board, under the presidency of an officer of lower military rank?—He may.

1342. Is that considered a grievance in the profession?—It is considered a grievance that a medical officer of long service should sit on a Board with a young military officer as president, and I think it is a just grievance; but I would not alter it by giving the medical officer military command. I would alter it under such circumstances by calling the medical officer as a witness, not as a member of the Board.

1343. Colonel *North*.] What sort of Board are you speaking of now, in which it would happen that a surgeon would sit under the presidency of a military officer of lower rank?—He might sit on any Board. The chief Board that he has in a regiment to sit on is the bread and meat. The orderly officer gets up in the morning at six o'clock, and he sees the bread and meat, and he says the beef is bad. Then a Board is called, and the surgeon of the regiment is called to the Board as a member, and a captain is president.

1344. Mr. *Peel*.] Is that inferiority of position owing to the medical department of the army being called a civil department?—There can be but one command, and the command must be military. In all stations of the army the medical is an auxiliary not an executive part of the army. The medical officer is placed on the Board for his medical knowledge, not for his general knowledge; and his medical knowledge might be taken advantage of by his attending the Board as a witness, as well as by his attending as a member of the Board.

1345. Sir *H. Davie*.] The Boards to which you alluded, as an example, are Boards which sit occasionally to report upon the quality of the bread or meat?—They are; whenever the orderly officer thinks the bread or meat is not sufficiently good to meet the terms of the contract into which the contractor has entered to supply the regiment with those articles.

1346. The object of putting the medical officer upon those Boards, is with a view to having his opinion as to whether the meat is wholesome?—Quite so.

1347. Mr. *Peel*.] May not a medical officer be a member of a court-martial?—If there are no other commissioned officers present, and it is necessary to have a court-martial, the medical officer is obliged to sit upon it.

1348. Is he upon such an occasion junior to all the military officers present?—No; but he is never president.

1349. Colonel *North*.] Have you ever known an instance of a medical officer sitting on a court-martial?—I have never known it myself, but I have heard of it; I think a Board is the thing now that is supposed to be the grievance.

1350. Sir *H. Davie*.] I understand that you would suggest that instead of the medical officer being a member of the Board, he should be examined as a witness before the Board?—Quite so.

1351. Which would answer the same purpose in eliciting his opinion?—Yes, you would equally get his opinion, and I think it would be for the advantage of the service, because I am very much opposed to giving medical officers military command in any way.

1352. Might not great inconvenience be occasioned to the hospital by his absence during the time he was sitting upon the Board?—Yes; and I think a medical officer's education does not well fit him for such duties as courts-martial.

1353. *Chairman*.] Has it ever occurred that the orders of a superior staff medical officer have brought the medical officer into collision with the military authorities?—Yes.

1354. Can you give any instance?—There was an instance a short time ago published in the papers. The surgeon of a regiment was placed under arrest for disobeying the orders of the colonel with reference to stretchers in the hospital. There were conflicting orders; he received orders from the medical staff officer, and he received orders from the colonel of the regiment, I believe.

1355. In such a case which of those orders would you, as surgeon of the regiment, feel bound to obey?—If I received orders coming from a medical

H. Mapleton, Esq., M. D.

22 May 1856.

staff officer, I should inform the commanding officer of the regiment that I had received such orders, and ask to know his pleasure on them. I think it is the duty of the medical officer in all such situations to suggest, and not to order.

1356. Sir *J. Ferguson.*] Do you know any instance of a collision between a superior staff officer and a regimental medical officer becoming the subject of a court-martial?—I cannot call to mind any except this particular instance which was published in the papers.

1357. Sir *H. Davie.*] Is not it usual that all orders go through the commanding officer of the regiment?—All regimental orders.

1358. Would not the medical staff officer be doing his duty more strictly by going to the commanding officer of the regiment, and suggesting to him the orders to be given to the medical officer?—No. My opinion is that the medical staff officer should be under the orders of the military officer commanding the division; and if he has anything to suggest regarding the health of the army, it should be suggested to his immediate military commander, and that military commander should convey it to the Commander of the Forces, and it should go to the regimental colonel in the usual way; if there was any exceptional case in which there was not time to wait for that course, you can make no rule for that; but I am speaking of ordinary cases.

1359. Ought not the commanding officer to be cognizant of every order that the surgeon or assistant surgeon gets?—It would depend upon the nature of the order; he might get a professional order with which the commanding officer might have nothing to do.

1360. Colonel *North.*] You are opposed to the medical profession having military rank, except for the purpose of choice of quarters and prize money?—I am entirely opposed to it.

1361. *Chairman.*] You think that all misunderstanding would be avoided by good feeling?—I am sure of it.

1362. What is your opinion as to the present system of examination of recruits?—It depends entirely upon the capability of the examiner; one man may make a very good examiner of recruits, and another man may make a very bad one; it is a branch of duty which is entirely learned by itself.

1363. Are there any particular rules laid down?—There are particular rules for examination; and the examination of the examiner is final in a great measure.

1364. Is not he subject to be charged if he passes an improper recruit?—Not now; the present Government have done away with that.

1365. Sir *H. Davie.*] Is not it the fact that some regiments will take men of a class that other regiments will reject?—There is what is called the head quarters recruit, who is passed by the regimental medical officer in charge. There is another sort of recruit sent to the regiment from a distance; those men are examined by a staff surgeon of the first class.

1366. Colonel *North.*] Is there any check at all upon the medical officer passing recruits, so as to prevent his passing, for example, men with varicose veins?—The examination of district recruits by a staff surgeon in the present day is supposed to be a final one. If a man has varicose veins, and the surgeon passes him, not considering the varicose veins a serious objection, when he gets to the cavalry the cavalry surgeon says, "You have sent me a man who cannot ride." Unless the staff surgeon has been on all branches of the service as an examiner of recruits, I think his examination should not be final.

1367. Do varicose veins interfere with riding more than walking?—Yes; the man is liable to cramps and to fall off his horse.

1368. Sir *H. Davie.*] Was there not a case about a year and a half ago, in which a certain number of militiamen volunteered for a regiment, and were almost all rejected, and afterwards a great part of them were passed for another regiment?—A case of that sort came to my knowledge from the papers. I think that one-third of the men that I saw were unfit for the service, and ought never to have been passed into the militia regiments; and had those militia regiments been obliged to undergo any hard work, those men would have fallen out.

1369. Mr. *Peel.*] Do you mean from age?—No, from physical defects of all kinds and descriptions. That was owing to the militia surgeon not having the experience which I consider necessary to pass recruits in the proper way for the service. A man may be a very good doctor, but still quite incompetent to pass recruits for the army.

1370. But

1370. But of those men very many had been rejected for the militia by other surgeons?—I think the case to which you allude was the 25th regiment. That would depend upon what the surgeon thought as to the style of recruit that he ought to get.

1371. *Chairman.*] Have you found any difficulty in dealing with the purveyors?—Never, the slightest; I have always been met by the purveyors in the best way to carry on the public service in England.

1372. Do you think that you have been particularly fortunate in your own case, or that the system of purveyors is working well in general hospitals?—In general hospitals I have very little experience; in regimental hospitals I do not think there can be anything better devised; they are all under purveyors at home of late years.

1373. In regimental hospitals, when the patient is in bed, what is there which the patient requires which is not found by the hospital?—He is obliged to supply his own shirt at present, and his own drawers, and his own handkerchief, and his own neckcloth. He is found a bed, and blankets, sheets, and a suit of clothing, a pair of slippers and a nightcap.

1374. Are you aware that that is not the case at Scutari?—I have no experience of Scutari, but it is so in all regimental hospitals.

1375. Colonel *North.*] Would it not be of great advantage if, on the soldiers going into the hospital, the whole of their kits were taken from them, and if the linen necessary for the soldiers in the hospital were attached to the hospital?—I think it would; it is under the consideration of the Government at this moment.

1376. With regard to the tins required for tea, and comforts of that sort, is not a better provision desirable?—That is also under the consideration of the Government; I belong to a Board which Lord Panmure ordered with respect to Southampton Hospital, and those things have been taken notice of.

1377. Mr. *Bellew.*] Are there any stoppages from the soldier's pay during the time that he is in the hospital?—Yes; 10 *d.* a day at home.

1378. But not on service?—I think there is none on service now.

1379. Colonel *North.*] With regard to the Board which sat upon the sick or wounded officers who arrived from the Crimea, was that Board composed of the same medical officers throughout?—Not during my time in the Board.

1380. *Chairman.*] How long were you a member?—Some few months.

1381. Colonel *North.*] Do you think that it would have been advantageous that the same medical officers should have sat upon the Board throughout?—There would have been a difficulty with regard to some of the medical officers; as to myself, I was unable to go back, and I was employed usefully in being put on that Board; but that it ought to be a permanent Board, and that the officers ought to have a permanent Board, I am convinced.

1382. What means were adopted with regard to attending the wounded officers in London when they arrived?—The Government appointed a medical officer for the purpose.

1383. Was any allowance granted to those officers who remained in London to attend the medical officer?—Yes; there is an allowance called "blood-money," which is supposed to cover the expense to which the officer is put in getting medical attendance. On a man's arrival in England he appears before the Board, and that Board states that he has lost the use of his limb, or whatever it may be; and upon their report the officer gets a sum of money allowed to him by the Government, which is paid to him within a very short time.

1384. Sir *J. Ferguson.*] Does not that sum vary according to his rank, and not according to the extent of his wounds?—All pensions do.

1385. Colonel *North.*] Do you think that fair?—A man at 60 years old may get a pension, and he may die at 70, and a man who gets the same sort of wound at 20 will, in all probability, live 50 years in the enjoyment of that pension.

1386. Sir *J. Ferguson.*] Are you not aware that if a field officer loses a portion of one finger he receives a considerable sum, and that an officer of lower rank gets a much less sum?—Yes; it depends upon the amount of full pay which each gets.

1387. Colonel *North.*] Take the case of an ensign arriving badly wounded in London, with his 5*s.* 3*d.* a day; he is obliged to remain in London to be

H. Mapleton, Esq., M. D.

22 May 1856.

attended by a military medical officer; do not you think that some steps should be taken to enable that officer to receive all the comforts and attention which his circumstances require, it being impossible that with his 5*s.* 3*d.* a day he can provide himself with a lodging, and with everything else that he needs in those circumstances?—Considering that all those officers who come home from the regiment have depôts to go to, and that if they want medical attendance they can go to those depôts and employ the medical officers in charge of those depôts without expense to themselves, I think they are sufficiently provided for; if they want to remain in London it is to consult Mr. Ferguson, or some great surgeon hereafter upon their cases, and these officers are provided for by the present Government in the new establishment about to be erected near Southampton. I do not think the Government can do more than they have done in that respect.

1388. But you must remember that the depôt of a regiment consists of so many officers, and that it is not competent to an officer to join the depôt at his pleasure?—It would require an order for the purpose; it is a question of expense for the Government.

1389. *Chairman.*] Do you think that the position of orderlies is satisfactory in the hospitals?—It always has been to me, as surgeon of a regiment.

1390. And their pay?—I think their pay is too little.

1391. Was not there an order about their pay not very long since?—That is the medical staff corps. In the regimental hospitals the number of orderlies is according to the number of patients. If there are so many, one man is paid; if there are so many more, two are paid, and so on.

1392. Colonel *North.*] Do you think the general class of hospital orderlies are satisfactory?—I think that a little improvement in the present regimental system is all that is wanted. I consider the best orderly that a man can have is a private soldier, who may be slovenly, but an honest, faithful, hard-working fellow, that will put his hand to anything. A man that is found fault with by the sergeant for not being clean, or any other little defect that makes him not fit for the parade, that man will often make the best orderly.

1393. Then you are against a class being established, for instance, at Chatham, of nurses attached to regiments?—As far as my regimental experience goes, I should not wish anything more than a little amelioration in the condition of the orderly, and that we should have an extra number of men attached to a regiment for that express purpose unarmed, and who should belong to the regiment, and who will have all the sympathy with the private soldiers of that regiment that the private soldier expects his attendant to have.

1394. Do you think that, under any circumstances, an officer ought to be charged for medicine?—Never; and it is not so now, as far as I know.

1395. Are you aware that in Barbadoes at the time of the yellow fever, the officers were obliged to pay half a crown for every leech supplied to them?—That must have been the fault of the principal medical officer on the station, and not of the Government, I conclude.

1396. *Chairman.*] Have you found considerable difficulty in obtaining leeches and drugs?—Not at all. I can order anything I want for my regiment by requisitions twice a year; I get whatever I ask for from the army medical board in London. The medicines I ask for are sent to me; they may be curtailed in quantity, but if my supply falls short, I write for another. If I want to give an officer medicine that is not in the chest, I have the power of ordering it of a druggist at the expense of the public, informing the director-general that I have done so, and if he does not sanction it, I must pay for it. But there is no restriction whatever on the part of the Government. One thing which is frequently wanted, is a truss. If a man ruptures himself, he requires a truss, and of course, men differ in size, and therefore the size of the man's waist is sent to London, and the price is stated for which you can get the article on the spot. If this price is much more than you can get it in London for, it is sent down from London by return of post; and the man is kept in bed till its arrival, which is of no inconvenience, for after such an injury he would have to be kept in bed a short time.

1397. Then you would be able to order any sort of truss, however expensive, for certain cases?—They vary from 3*s.* to 5*s.*; a truss costing 3*s.* 6*d.* or 4*s.* would be just as good as if you paid a guinea for it; the only difference would be in fitting it up.

1398. Sir

1398. Sir *H. Davie.*] Practically speaking, have you ever found any expense that you incurred for medicine objected to at head-quarters?—I never have.

1399. Sir *J. Ferguson.*] Are you aware that a superior staff officer is competent to cancel a requisition sent in by a regimental surgeon, without assigning a reason?—Yes; at least, I have seen that stated in evidence.

1400. *Chairman.*] Do you find too much writing, or too many forms, in the medical administration of the hospitals?—I think that for the protection of the public not a single form should be done away with; all that we require is hands to do it.

1401. Colonel *North.*] Is a certificate required to be sent in by a medical officer with regard to any military officer who applies to sell out?—If a military officer is on sick leave he is obliged to get a certificate to the effect that he is not labouring under a disease which would shorten his life quicker than if he had not got that disease; or something of that sort, I believe.

1402. Is there a particular form for the purpose?—There is a particular form.

1403. Could we have that before us?—Yes, it is a War Office form; I do not know that it is necessary in all cases, but I have seen it.

1404. Sir *H. Davie.*] Was not the object of the certificate to prevent, as much as possible, what may be called death-bed resignations?—I do not know the object of the certificate at all.

1405. Is not it the custom of the service that if an officer dies within one month of such a certificate his representatives are not allowed to receive the value of his commission?—I do not think that is the rule; I think that if an officer dies the next moment, after being gazetted out, the Government would not stop the sale of his commission; but if after the certificate is given the officer dies before he is in the "Gazette," then it might be cancelled.

1406. *Chairman.*] It has been stated that it is absolutely necessary for the good of the service that dispensers of medicines, with the rank of ensigns, should be permanently attached to regiments; what is your opinion upon that subject?—I do not think it necessary.

1407. Do you think that the difficulties arising from the appointment of commissioned officers as dispensers might be obviated by giving them the rank of serjeant-majors?—I do not want dispensers at all; all I want is non-commissioned officers to be recognised as doing the duty, and make me responsible for their doing it properly.

1408. Do you ever find soldiers who have served in a chemist's shop before joining the army?—Yes; in almost every regiment in the service there are men who have served as druggists.

1409. They would answer the purpose?—They do answer the purpose, but it is not recognised.

1410. Instead of continuing this new system of dispensers, you think it would be enough to recognise those men?—I do, provided the men were given a little more inducement to do the duty.

1411. Are the duties of dispensing medicines now performed by trained non-commissioned officers or privates in any portion of the army?—In the Guards they recognise the appointment of a lance-corporal to do those duties, as well as the hospital serjeant; but in the line the medical officers are supposed to do all those duties themselves.

1412. Are you of opinion that men of sufficient intelligence could be found in the line to do those duties under the eye of the medical officers, after a careful training?—I am sure they could; we do it now, and we stick as much as possible to the spirit of the law; but if a man has 70 or 100 sick, it is impossible for him to give them medicines unless he confines his medicines to three or four large bottles, no matter what disease the man is labouring under; we are obliged to give a certificate that we do those things, and we do them to the best of our ability; but at times it is impossible to keep to the strict letter of the law.

1413. Then would the assistance of this new class of dispensers be useful?—We do not want any such assistance. I want a man who lives in the hospital. I do not want a dispenser who is sitting next to me at mess, to get up in the middle of dinner and make up pills; a man in the same social position as the other officers of the regiment. I want a man who is under the orders of the hospital serjeant, and constantly residing in the hospital.

H. Mapleton, Esq., M.D.

22 May 1856.

1414. Would it be possible, under ordinary circumstances, to find sufficient employment for a person whose duties are limited to dispensing medicines, and dressing and bandaging?—Not in my regiment, certainly.

1415. Could the dispensers be employed in any other duty, or would the office be a sort of sinecure?—I cannot understand the rank at all, as connected with a regiment. The only class that we have in a regiment at all coming near to it is schoolmaster-serjeant, and he ranks with the regimental serjeant-major; he is not supposed to be an officer.

1416. Sir *J. Ferguson.*] You have an hospital-serjeant; would it not be possible to have a dispenser-serjeant?—I do not think it is necessary. If you let me take a corporal out of the ranks, and make me answerable that he knows the duty, that is all that I want. In fact, I have had one of the best dispensers in the world, a private in the regiment; he was paid 4 *d.* a day; all that I want is to let me take a soldier out of the ranks, and make me answerable that he shall know his duty; give him a higher rate of pay, a shilling a day, or 6 *d.* a day; it would be a boon to an old soldier, and a useful arrangement.

1417. Colonel *North.*] Dr. Smith stated that even the hospital-serjeant is not allowed to interfere with the making up of the medicines?—No; by the present regulations, a medical officer is obliged to certify, on his honour, that he has compounded every medicine, and that he has delegated no duty whatever to the hospital-serjeant, such as bandaging, and dressing, and making up medicines; that may be a very good rule to enforce if you can; but if a surgeon has 50 sick men to look after, he must do one of two things, either put the law on one side altogether, and employ a soldier to do it, or he must have a few large bottles, and out of those he must physic every man, whatever be his complaint, with the same medicines.

1418. Then that is a certificate which you think ought not to exist?—Yes; I would make the regimental surgeon responsible that the hospital serjeant does his duty, in the same way that the colonel of a regiment is responsible that the surgeon does his duty.

1419. At present you make the surgeon of the regiment certify an impossibility?—A moral impossibility under many circumstances.

1420. Sir *H. Davie.*] But I presume you would not entrust the making up of prescriptions and the preparation of medicines to a person who had not gone through a certain amount of medical instruction?—In all regiments we have in the ranks all sorts of people. We have always druggists or chemists, or people who have been in apothecaries' shops; and those are the men generally who are promoted to be hospital serjeants for their knowledge in this respect. If you give a little extra pay to the dispenser in the regiment, you would get, if you wished, men to enlist for the special purpose. You have a band-master, he is a man who enlists as a band-serjeant; and you have an armourer-serjeant, he is brought in to enlist as an armourer-serjeant; and therefore if you gave the same inducement to those compounders, you would get them to enlist for the same thing. In the cavalry you have just as good a class of men, as those dispensers are, in the ranks.

1421. But the armourer-serjeant undergoes an examination first to ascertain whether he knows anything about arms, and the saddler serjeant to ascertain whether he knows anything about leather; would not you require the dispenser-serjeant to undergo a similar examination?—I would make the surgeon responsible that he knows his duty. It is a thing that can be taught a man in a couple of months; the knowledge of ordinary prescriptions, and the making up of medicines, provided they are in English.

1422. Colonel *North.*] Take the case of the armourer-serjeant employed at Enfield; that man is obliged to undergo a certain examination to entitle him to have that appointment; might you not have a person in the same station in life, who would undergo an examination in order to his being appointed a dispenser?—The education of a dispenser is not of that elaborate description that you require for an armourer-serjeant or a schoolmaster-serjeant. All that the man wants, is to know the names of the drugs, and to be taught how to put them together. It is not necessary for the medical officer to write his prescriptions in Latin.

1423. Mr. *Peel.*] Were there a great number of candidates for this new place of dispenser?—I heard between 200 and 300.

1424. Mr.

1424. Mr. *Noel.*] Are they to be appointed to all the regiments?—I do not know. It is quite a new thing. *H. Mapleton*, Esq. M. D.

1425. Colonel *North.*] What is the position of the dispenser?—He has the rank of an officer in the regiment. 22 May 1856.

1426. And the pay the same as an assistant-surgeon?—Yes; 7*s.* 6*d.* a day, believe.

1427. In point of fact it is a very expensive expedient, and a very bad remedy?—It is not for me to say.

1428. Mr. *Noel.*] You recommend another assistant-surgeon for each regiment?—Certainly, in preference to a dispenser.

1429. Colonel *North.*] Is the pay of these dispensers to be increased after a certain length of service?—I do not know whether they get increased pay for length of service.

1430. Mr. *Peel.*] Nor whether they have any prospects of promotion?—Of that I am not certain. In the Indian army they have the same class of people, and in the Indian regiments they are called apothecaries who do that duty, but they are warrant officers; they do not rank as officers at all.

1431. *Chairman.*] Has any medical man power to resign at any moment?—He has, subject to the confirmation of the Commander-in-Chief on the spot.

1432. Do you know whether any resignations have been refused?—I cannot call to my recollection that there have.

1433. Colonel *North.*] Of course it would not be in his power to resign and leave?—It is in his power to resign, if the Commander of the Forces accepts his resignation; all resignations must be subject to the approval of the Commander of the Forces on the spot.

1434. Mr. *Bellew.*] How long after the expeditionary force first went to the East did you join as an army surgeon in the Crimea?—I went out to join the army of the East in the beginning of April 1854.

1435. That was nearly at the time when the expeditionary force first went out?—About the time.

1436. You are aware that it has been stated that after that time great difficulties were experienced by the Army Medical Department in obtaining supplies of necessaries and comforts?—I am aware that it was stated so.

1437. Will you give the Committee a sketch of what would be your plan, in the event of our again declaring war, and taking the field with a large army, as to the remedies which you would apply for the defects found by the Army Medical Department in obtaining supplies of necessaries and comforts?—If I answered that question, and recommended certain things, it possibly might be thought that my answer would be a criticism on what took place with the army that proceeded to the East; and therefore unless I am obliged to answer the question I would rather not.

Thomas Richardson, Esq., called in; and Examined.

1438. *Chairman.*] WHAT is your rank in the Army Medical Department?—I am Surgeon-Major of the Scots Fusilier Guards. *T. Richardson*, Esq.

1439. Have you heard the evidence of Dr. Mapleton with respect to the new order of dispensers?—I have.

1440. Will you be so good as to state to the Committee what the plan in the hospitals of the Household Troops is?—We have a serjeant or hospital steward, and under him a corporal, who is taught to dispense, which he does under the superintendence of the medical officer.

1441. What course of instruction do you give to him?—He is examined from time to time by the medical officer; certain books are given to him, and he is overlooked for some considerable time

1442. When the power of dispensing is entrusted to him, has he the key of the dispensary?—Particular medicines are kept under the lock and key of the medical officers.

1443. Do you entrust to him the power of compounding medicines?—I do, to a certain extent.

1444. Your present serjeant I have the pleasure of knowing; you have the greatest confidence in him?—Yes, the present serjeant has been about 12 years in the hospital.

T. Richardson, Esq.

22 May 1856.

1445. From my own visits to the hospital, which have been frequent, I can testify to the excellence of that particular individual; but have you always found, during your experience, that this system works satisfactorily?—Admirably well.

1446. Therefore, you would be able to say from your own personal experience, that the suggestions of Dr. Mapleton were those in which you would concur?—Certainly.

1447. Colonel *North.*] Was the man whom you now employ for this purpose, in an apothecary's shop before he enlisted?—No; he was a lawyer's clerk.

1448. Sir *H. Davie.*] I do not understand you to say that the surgery is always locked?—No; particular medicines are under lock and key. The surgery is open to the corporal and serjeant. I have been 32 years in the regiment, and I never knew the slightest accident by any mistake in a medicine.

1449. Colonel *North.*] You have always had a person of that description there?—Always.

1450. Sir *H. Davie.*] It is the same in the other regiments of Guards?—Quite so.

1451. Colonel *North.*] And you see no reason why the same system should not be introduced into the line?—None. Those men have extra pay.

1452. How much?—The steward has about 10*s.* 6*d.* a week extra pay.

1453. Sir *H. Davie.*] He has to keep books to a great amount, and he requires to be a first-rate clerk?—Yes; and accountant.

1454. Colonel *North.*] Who keeps the books in the line?—The books are always kept by the hospital serjeant.

1455. Sir *H. Davie.*] And submitted to a monthly board of officers?—Yes.

Lunæ, 26° *die Maii*, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Colonel North.
Sir John Trollope.	Mr. Peel.
Sir John Hanmer.	Mr. Noel.
Mr. Percy.	Mr. Leveson Gower.
Colonel Kingscote.	Sir Henry Davie.
Sir James Ferguson.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

James Ranald Martin, Esq., F.R.S., called in; and Examined.

J. R. Martin, Esq., F. R. S.

26 May 1856.

1456. *Chairman.*] WHAT rank do you hold in the East India Company's service?—I was a Staff Surgeon in the Bengal Army when I retired.

1457. How long were you in India?—Twenty-two years.

1458. Were you in the field?—Yes, on several occasions.

1459. In what capacity?—I served first with Her Majesty's 17th and 59th regiments, and then with four regiments of native infantry, and latterly, for seven years, with a regiment of native cavalry; then, as a staff and hospital surgeon in Calcutta.

1460. Do you consider the system of promotion and reward in the East India Company's service to be sufficient to attract the best men into the service?—The system of reward by money is sufficient, but until very recently there was no other kind of reward whatever.

1461. Colonel *North.*] Do you mean as to honours?—The rewards and recompenses by way of pensions are sufficient, but there are not sufficient grades, and no honorary distinctions or offices of distinction to which men of any enterprise and energy could reasonably aspire.

1462. Mr. *Percy.*] Are they classified in the same way as the Royal Medical

Medical Department?—No; there are not so many grades as in the Royal army.

1463. *Chairman.*] Can you state the number of grades?—The grade of assistant surgeon, regimental surgeon, and superintending surgeon, who is an administrative officer, and lastly, member of the Medical Board; hitherto the administrative departments in the Indian army have been attained to, not by knowledge, diligence or desert, but by mere dint of seniority.

1464. Is that rule never departed from?—It has hardly been departed from till very recently, by Lord Dalhousie. Although the rules of the service do not absolutely enjoin an unmixed rule of seniority, such has been the actual practice of the service; Lord Dalhousie departed from that in a recent plan for the reconstruction of the medical department of the Indian armies.

1465. Colonel *North.*] Comparing those ranks in the medical department of the Indian army with the ranks in the Queen's army, how do they go: there is the regimental surgeon; he is the same in both services?—Yes.

1466. And the assistant-surgeon is the same in both?—Yes.

1467. Then the superintending surgeon, to whom does he correspond?—He corresponds to the deputy inspector-general of hospitals; he is an administrative officer.

1468. Of how many does the Board consist?—The Board consists of the three oldest officers in the service, averaging, in Bengal, where I served, from 42 to 44 years' service in India.

1469. Have you any rank below that of assistant-surgeon?—None, of the commissioned description; we have a subordinate medical department, consisting of warrant officers, a most important branch of the service.

1470. What are they?—They are divided into two classes; I may, perhaps, best describe them by detailing the ordinary routine of a European hospital, whether civil or military: when we go round to see the patients we are attended by two of those warrant officers, one of them is called the steward, he represents the commissariat of the hospital; he sees to the administration of the diet and medical comforts; he superintends the clothing, and those matters which are so essential. The other represents the apothecaries' department; he compounds the medicine, and sees everything administered; both those men keep the hospital accounts and records.

1471. Are those men taken from the ranks?—No; they are a distinct department trained from boyhood to their respective duties.

1472. *Chairman.*] Are they chiefly sons of soldiers?—They are sons of European soldiers; they are mostly East Indians by birth; they are all Christians; some Portuguese; they all have an English education.

1473. Colonel *North.*] Have you an establishment for their training?—There is a distinct establishment, and they are trained in the hospitals.

1474. They are taken from that establishment and attached to the regiments?—Yes.

1475. Mr. *Percy.*] How do they learn their duties?—In the great hospitals, civil and military.

1476. How are they employed in the hospitals?—Each in his department. The one in the steward's department administers the commissariat wants of the hospital; the other in the medical department attends to the compounding and administering the medicines and dressing the wounded.

1477. *Chairman.*] Do you think it would be an improvement upon that system if those officers were made commissioned officers?—No, I think not; we find the warrant class officers answer exceedingly well; they are extremely useful and creditable, and highly respectable in every way, but they are not in the class of commissioned officers.

1478. Colonel *North.*] They rank as non-commissioned officers?—They rank with warrant officers. I should say they rank above your serjeant, or even serjeant-major; they would class in our army with a description of persons not in existence in any other, the ordnance subordinate department; men termed conductors of ordnance; very respectable men, who rise from the ranks.

1479. Would you consider their rank superior to those of serjeant-major and quartermaster-serjeant?—Yes; they are better paid and better educated.

1480. *Chairman.*] Where do they mess?—They live by themselves; they are generally married men.

J. R. Martin, Esq., F. R. S.

26 May 1856.

1481. Are there more than one of each to a regiment?—One of each to every European regiment, and one of each to every European hospital.

1482. Mr. *Percy.*] Are they principally Indians?—They are principally Indian born, but Christians.

1483. Sir *J. Ferguson.*] Are the warrant officers in the apothecary's department trusted with compounding of drugs independently of the surgeon, or do they do it under his superintendence?—He compounds the drugs prescribed by the surgeon, and administers them.

1484. Is he overlooked by the surgeon in compounding, or is he entrusted with it alone?—He is entrusted with it; his qualifications are previously ascertained before he is admitted to do it.

1485. *Chairman.*] You think that the system you allude to, works well?—I do not know any so good.

1486. Do you think that promotion should be by selection, or by seniority from the first rank of assistant-surgeon to surgeon?—I think that in promotion from assistant-surgeon to surgeon, seniority should go a long way; but inasmuch as the regimental surgeon is the most important medical officer in the army, I think there should be great care taken in placing him in such a trust, to ascertain that he is a person of approved character and qualifications. I would not make the rise to full surgeon exclusively a matter of title or right, as it is now.

1487. Mr. *Peel.*] Is the senior assistant-surgeon in the whole army taken to fill a vacant surgeoncy?—With us it is so; whatever he may happen to be, and whatever his character.

1488. Wherever he may happen to be stationed, however remote may be the station where he is serving?—Yes.

1489. How is the duty performed *ad interim*?—Some officer is found in the vicinity to perform the duties till he arrives. It is very common throughout India to see very young assistant-surgeons holding charge of regiments, particularly of native battalions, in the absence of a full surgeon.

1490. How many assistant-surgeons are there in an Indian regiment?—Only one; in fact, with a battalion of sepoys, there is seldom above one medical officer of any rank; we have not a sufficient number; on that account Lord Dalhousie, in his recently proposed arrangement, proposes that there should be a supernumerary list of medical officers, to be ready to meet contingencies, particularly contingencies of war.

1491. What is the strength of a regimental battalion of sepoys?—Usually about 800 bayonets.

1492. What is the medical staff of that regiment?—With a native regiment there is one European medical officer, with a native doctor, who is a Hindoo or Mahomedan.

1493. Mr. *Percy.*] Do not some of the castes decline European medical officers?—No; I think the higher the caste of the man the more easily he is managed in the Bengal army.

1494. Do not some object?—Very rarely, I think; they take anything that is given as medicine; they will even take brandy, which they very much object to on the score of religion.

1495. Mr. *Peel.*] Does it sometimes happen that more than one European surgeon is required for a native battalion?—In a very sickly campaign two might be wanted; but it is rarely that, with a native battalion, there is found more than one European medical officer.

1496. Is it to meet such rare occasions that this extra staff is proposed?—Yes; to meet those military contingencies and civil wants throughout India.

1497. What has been done to carry out that suggestion?—The proposal has only just arrived in England, and I believe it is now under consideration of the Home authorities.

1498. Colonel *North.*] In European regiments you have a full surgeon and one or two assistant-surgeons?—Generally two assistants; three in sickly countries.

1499. Is a battalion 800 strong there?—800 strong; sometimes 1,000. In the expedition to Rangoon, where I served, some of Her Majesty's regiments, and of the East India Company's European regiments, numbered 1,100.

1500. Do the surgeons and assistant-surgeons in the Indian service, hold military rank?—They hold the same rank that they do in Her Majesty's army; that

that is a subject of great dissatisfaction; the rank has never been substantive; it is stated in the orders and instructions, I believe, of both armies, to be co-ordinate with other ranks; but when we come to test it we find that it means nothing.

1501. *Chairman.*] Will you give an illustration?—I will give an illustration; there was in India an inspector-general of hospitals of Her Majesty's army, a man of great service and high distinction, Dr. McLeod, and he according to the regulations ranked with, I think, a brigadier-general, or certainly with a full colonel. It happened that on a committee upon some affairs connected with the cantonment (I do not know what the subject was), he was placed below a captain in the Madras army. The occurrence gave great dissatisfaction; I remember hearing of it at the time; and the same thing has occurred in the army in which I served myself; an old surgeon who is said to have co-ordinate rank with a captain, was placed upon a committee to inquire into the qualifications of a subaltern in languages; and this old surgeon was placed under a lieutenant, or perhaps an ensign, he was not allowed the privilege of his rank of being president of so trifling a committee as that which I mention.

1502. Mr. *Peel.*] Supposing a surgeon was to die, would he have the same funeral honours paid him as if he was an executive officer?—I doubt whether he would; that is another point; sometimes they have and sometimes they have not. There is the same dissatisfaction and uncertainty attending that as there is in everything else referring to medical rank in the army.

1503. Would the distinction be due to the circumstance of his rank being only civil and not military rank?—It is due to the unascertained and undetermined condition of the rank itself.

1504. The medical department is a civil department of the army, is it not?—It has been in this commercial country called civil, and from olden time the surgeon was classed with the clergyman and the commissary, but it is hardly necessary to say that he must be military; and it never has happened in any branch of our English army that a good surgeon has not been a good soldier also.

1505. Colonel *North.*] Has it ever occurred that a surgeon in the Indian service has sat upon a court martial?—Not that I am aware; I was myself appointed by Lord William Bentinck to sit upon a court of inquiry composed of military men, to inquire into the conduct of an officer, but not expressly upon a court martial.

1506. Sir *H. Davie.*] Would not the surgeon or assistant-surgeon, if he was treated with disrespect by any of the men, put him under arrest?—Assuredly.

1507. Are the regiments in India generally kept pretty much together?—The native regiments are not; it is a great disadvantage; they are scattered about in detachments, and it interferes with the discipline in a considerable degree. It is only surprising, considering those disadvantages, that their discipline should be so very good. I speak especially of the Bengal army. I believe in the armies of Madras and Bombay they are more kept together; they have large stations where there are European regiments, and perhaps there is more drill discipline than there is with us.

1508. Laying aside the question of discipline, how are the medical wants provided for where a strong detachment is absent from head-quarters?—Rather badly, I think. Sometimes a detachment has been known to be at an out-station, and even upon a march, in charge of a native doctor.

1509. *Chairman.*] Is there not an interchange of surgeons sometimes between the East India Company's service and the Queen's service?—Yes. I myself served with two of Her Majesty's regiments when I went to India first.

1510. The medical officers of both services are brought a great deal into juxtaposition?—Quite so.

1511. Do you think that the governing power of the body should be vested in a Board or in one person?—I have advised that in the Presidencies of India the governing body should be vested in one man, because there the service and duty are generally performed under similar circumstances of climate, and so on; and you have usually more unity and energy in one man than in a Board. I have always considered that we should in India have one administrative responsible head in place of a Board; and I believe that Lord Dalhousie has taken that view of it in his recent plan,

1512. Do you think that if the continuance of a Board should be determined

J. R. Martin, Esq., F. R. S.

26 May 1856.

upon in India its organisation should be better constituted than it is at present? —Assuredly it cannot be worse than it is now.

1513. Then you object to the present system, first as a Board, and next as a badly constituted Board?—Yes, for India, I do.

1514. Sir *J. Ferguson.*] Do you think the position of the medical officers would be more useful if they had a distinct military rank?—I think it would be politic and just, on military grounds, to do away with all distinctions, and that the medical officers should be placed on quite the same footing with the lieutenant and captain, and so on; so as to be of equal purpose and effect in every fitting place.

1515. Do you think that if the medical officer was to look upon himself more as an officer, and less as a medical man, he would be a better medical man, or the contrary?—Yes, far better; I do not think any military position in which he could be placed, could for a moment induce him to waive his strict professional position and duty.

1516. Do you think it would be a good thing that he should be able to sit as president of a court martial with officers of inferior rank?—I think from my knowledge of medical officers in Her Majesty's army, and in the one in which I have served, that they would make excellent members of courts martial.

1517. Colonel *Kingscote.*] Would it not interfere with their other duties? —In that case they should not be appointed. In time of peace probably it would be more suitable, but in any case they would make good members.

1518. Sir *J. Ferguson.*] Would you say that they should only be appointed, failing a sufficient number of military officers?—Yes; or in healthy times, when the medical officers are not overburdened with professional duty.

1519. Mr. *Peel.*] What is the disadvantage of the present arrangement of comparative rank?—The disadvantage is the great dissatisfaction produced by it. I will mention one more instance of a surgeon of the Bengal Artillery, who was placed in the position which I have already mentioned. He appealed to the Commander-in-chief against it, and he felt very much hurt that the Commander-in-chief desired the adjutant-general to return for answer that medical rank was but official; a definition which did not satisfy this excellent surgeon, and did not satisfy any one; it meant nothing, in fact. I believe all military rank to be official; it ceases with the function. The Commander-in-chief himself, who ordered this reply to be made, ceased to hold any rank as such the moment he left India.

1520. Is not the object and meaning of medical rank being comparative, this, that in no circumstances is an officer's holding relative rank to assume a military command?—The object of rendering medical rank co-ordinate and of equal value and import is, or ought to be, that the privileges which belong to rank should appertain to the medical officers, such as quarters, prize-money, brevet-rank, and everything else.

1521. Therefore, he has been given relative rank; but is not the reason why he has not been given substantive rank that he may not, under any circumstances, assume military command?—I think no circumstances would ever arise in which medical officers could assume military command. It has happened in India that they have been employed as military men; and they have not declined it, but they never assumed anything.

1522. Colonel *North.*] You know, for instance, that the surgeon is supposed always to accompany the regiment on parade, and if you gave him substantive rank, and the parade happened to be commanded by the adjutant, who is a subaltern, the surgeon might step out and dismiss the parade?—It ought not, and it is not intended, to extend to that.

1523. In the Queen's service relative rank is given in order that they may have the choice of quarters and prize-money; but if you give them substantive rank, how can you avoid giving them the whole of the privileges of the rank? —It is not meant to extend to any parade authority, or any strictly military function of any kind.

1524. *Chairman.*] But you did urge in the Committee on Indian Territories, the propriety of substantive rank being given to the medical officers?—I did, and I still do, on the ground which I mentioned, that there had been dissatisfaction from the present existing system, which is held to be unjust and injurious to the service.

1525. What do you mean by substantive rank?—That rank should have a real

real meaning and import, which it has not now, according to the reply of the Commander-in-chief which I mentioned; it is a mere figment, a delusion.

1526. Colonel *North.*] In the Indian service does not the rank give you the choice of quarters and prize-money, according to your relative rank?—I do not think a surgeon would be sure of anything which depended upon the substantive character of the rank.

1527. There is nothing fixed?—There is nothing fixed.

1528. Sir *H. Davie.*] Is a surgeon in the Indian service, as far as that is concerned, on a worse footing than in Her Majesty's service?—No; I believe they are exactly on the same footing, for they make the same complaint.

1529. Did you ever hear practically, in the Queen's service, of a surgeon not taking his rank as to the choice of quarters?—I cannot speak to that, but I can speak to the instance I have mentioned, of a distinguished surgeon, Dr. M'Leod, and of many others.

1530. *Chairman.*[You mentioned brevet rank; that is given to the medical officers?—I think brevet rank ought to be given.

1531. Colonel *North.*] Is not brevet rank in India very different from brevet rank in this country; for example, a subaltern after serving a certain number of years has the brevet rank of a captain?—Yes; but all beyond that is Her Majesty's brevet.

1532. Mr. *Percy.*] What are the duties of a superintending surgeon in the Indian service?—They are administrative; very like those of a deputy-inspector in Her Majesty's service.

1533. Sir *J. Ferguson.*] In the Indian army does a superior medical officer, such as a superintending surgeon, interfere with the treatment of the patients?—He may if he likes; but inasmuch as the whole service is constituted on the seniority principle, and not on the score of character or service, that can hardly happen. It generally happens that the younger man, especially the regimental surgeon, is the better man of the two, and he would not readily submit to any interference of that kind.

1534. You are aware that in Her Majesty's army a staff surgeon interferes with the treatment of the patients?—Yes; but he is a selected officer and a very much younger man than the superintending surgeon.

1535. In the Indian army the superintending surgeon does not do that?—I never heard of a case, and I have served as a very young man under superintending surgeons; I may mention that during the two campaigns of the first Burmese war, my hospital was continually visited by the superintending surgeons; one of them was in Her Majesty's army, and the other in the Bengal army, but neither of them ever interfered.

1536. Mr. *Peel.*] Did you say that there were no rewards in the Indian medical service for good conduct on the part of the surgeons?—No reward of rank or distinction; an officer who may distinguish himself may get a station of higher pay, but that is all. In referring to that subject I would beg to mention, that I do not think money recompenses will ever attach educated men to the public service.

1537. What do you mean by "stations of higher pay," if the service is a seniority service?—Some higher and better paid office, civil or military.

1538. *Chairman.*] In the Indian medical service, are there not some adventitious advantages besides the pay?—There are allowances for the charge of a regiment of Sepoys; and there is the same allowance, only on a larger scale, for the charge of a European regiment, whether of Her Majesty's army or of the East India Company's; and there are staff and civil appointments.

1539. Have you not some civil employments?—There are numbers of civil employments; but the medical officers belonging to the Indian army, sent there exclusively for the service of the troops, are said, in official language, to be lent to the Civil Department; so that it is an accident; I never served in a civil office myself.

1540. Mr. *Peel.*] Supposing a surgeon distinguished himself, how would he obtain this station with higher pay; would he have to quit his regiment?—He would be removed by the order of the Commander-in-chief, if under him, or by the Governor-general, to an office of higher emolument in the strict line of his profession.

1541. Sir *H. Davie.*] Would that lead to a higher scale of retirement?—No, the retirement is irrespective of anything but length of service.

J. R. Martin, Esq., F. R. S.

26 May 1856.

1542. But those opportunities are not considered a sufficient recompense?—They are not sufficient by any means, inasmuch as money will not be a recompense for certain services.

1543. *Chairman.*] What would be a recompense?—Honorary distinctions and rewards.

1544 Is not the distinction of C.B. given in the Company's service?—That can hardly be said to have been done, so few have been bestowed in the army in India.

1545. Have you good service pensions in the East India Company's service?—No, they are all alike.

1546. Colonel *North.*] Have you retired full pay in the East India Company's service?—We are entitled to full pay after 17 years' service; I retired after 22 years' service; so that I have the full pay of a surgeon.

1547. *Chairman.*] Are there any drawbacks on your pay?—We are obliged from the moment we enter the service to subscribe to the military widows' fund, the advantages of which are considerable; and to the orphan fund also, which provides for the children of deceased officers.

1548. Sir *J. Trollope.*] Are you allowed any leave of absence during your period of service?—Yes; we are allowed three years' leave after 10 years' service.

1549. Does that period of three years count as service?—No.

1550. You can retire on full pay at the end of 17 years' service in India?—Yes.

1551. So far you are in a far better position than the medical officers in the Queen's service?—Quite so. I do not think there is any fault in the pecuniary arrangement respecting the medical department in the Indian army; it is liberal and excellent.

1552. Have you not the further advantage of being allowed private practice, if you are in stations where you have an opportunity of obtaining it?—That can happen to but few men; that was my own position; holding a staff appointment in Calcutta, I was in private practice.

1553. Was not that a very lucrative practice?—It was a very lucrative practice, but the government pay I got did not pay for my horses.

1554. Have the medical officers in the Queen's service similar advantages in Calcutta?—No, because they are not fixed; they must accompany their regiments. And even the administrative staff officers of Her Majesty's army are either with divisions in the field, or accompanying the Commander-in-chief; so that they do not happen to have the same advantages from the accident of non-residence.

1555. Then, in fact, the advantages of the Indian medical service are far superior, on the whole, to those of the Queen's service?—Upon the whole they are; but this accident of getting into private practice can happen but to few men.

1556. But there are other stations besides Calcutta where it can happen?—It is not very remunerative at other places.

1557. Mr. *Peel.*] You have been in Ceylon, for instance; are the surgeons in the English army there allowed to obtain private practice if they can?—I do not know.

1558. You said that in India surgeons and assistant-surgeons are sometimes "lent" to the civil service?—That is the official term made use of by the authorities.

1559. While so lent do they draw military pay?—No; they then draw a consolidated civil allowance.

1560. Do they continue to progress in rank while they are so employed?—Yes, they are carried on the musters, as if serving with the army.

1561. How long may they continue in the military service unconnected with the regiment?—I do not think it is above three or five years; it was found inexpedient to continue them long in civil stations, for they took to absorbing pursuits, commercial and other, and it was found to injure them as professional men, and to disqualify them for the duties of the army.

1562. Supposing a military surgeon, while in the civil service, obtained a step of rank before the expiration of those three or five years, would he then be required to rejoin the regiment?—On his promotion he could be required to revert to the military branch of the service.

1563. Would

1563. Would he then immediately obtain leave to resume his civil duties after having come back to the regiment as a matter of form?—They return to the army, and return again to the civil branches, quite according to their dispositions or their opportunities.

1564. Might a surgeon be on civil duties for as long period as ten years in the course of his 17 years of service?—Formerly they were continued for the greater part of their lives at civil stations, and hence they were found to be damaged as professional men, and especially as field-surgeons for the army, and hence it was that I represented to the Government myself the injury produced by so long a residence at civil stations, and the absorbing civil pursuits that arose from it; and Lord Ellenborough issued an order that they should not continue (I think) above three years at any civil station; now they are not permitted to remain above three or five years.

1565. Would it be any boon to give such a recompense as this for distinguished conduct, namely, that an act certified as very meritorious should count as one year out of the 17 years' service necessary to qualify a man for retirement?—It would be a boon, and to some, perhaps, a very great boon.

1566. *Chairman.*] Does time count the same all over India, provided the officer is east of the Cape?—Yes; the time counts that an officer may be absent on sick leave at the Cape, but not if he is west of the Cape. If an officer is absent at the Mauritius, or in Australia, or at the Cape of Good Hope, the time counts, but not west of the Cape of Good Hope, then he is counted as being in Europe.

1567. Mr. *Peel.*] Leave of absence confined to India would be included in the 17 years' service?—Yes, sick leave; or in those other colonies east of the Cape.

1568. On the average, how long would an officer be in India during the 17 years' service?—On an average he would be perhaps a year or 18 months out of India.

1569. Colonel *North.*] Supposing you are ill in India with your regiment, what length of leave would you be allowed to have till you got well?—According to the sick furlough regulations, military officers and medical officers also were formerly permitted to go to any of those colonies east of the Cape of Good Hope for so long a term as 18 months without forfeiting their privilege or their office.

1570. What became of the regiment in the meantime?—It was possibly in charge of some younger officer.

1571. But no deduction was made from your pay?—Yes, a deduction was made from the allowances. Their full Indian pay was not given, nor the allowance for the regiment. If a surgeon comes to this country, he receives only British pay.

1572. Mr. *Peel.*] Have you observed that the promotions of the surgeons and assistant-surgeons for these regiments in India have generally gone by seniority amongst themselves?—It is by seniority,

1573. Is promotion tolerably rapid?—I do not think it is. I have seen very old surgeons in charge of regiments in India in the course of my service.

1574. *Chairman.*] What is the age and service of the present members of the Bengal Medical Board?—Their ages are between 60 and 70; they average two, three, and some five-and-forty years' service in India. It is an age quite out of the question in relation to any efficiency, scientific or practical.

1575. Mr. *Peel.*] Does an officer in India on getting his step of rank obtain the pay of that higher rank immediately?—Immediately on his being gazetted.

1576. Is not there some distinction between that practice and the practice of the Queen's service?—I do not know that there is; he gets his pay and rank from the date of the decease or resignation of his senior, whatever that date may be.

1577. But in our service an officer has to serve a year or two years before he gets the pay of his rank?—That is not the case with us.

1578. *Chairman.*] Which medical service do you consider the most sought after, the East India Company's or the Queen's?—I think the East India Company's; there is better remuneration of pay and pension.

1579. Mr. *L. Gower.*] How is admission obtained into the East India Company's service?—Now it is held up entirely to competition.

1580. Sir *J. Ferguson.*] Do not you think that the higher pay, if it leads to

J. R. Martin, Esq., F. R. S.

26 May 1856.

the Indian service being more sought after, must secure better men?—I think the system of competition will lead to procuring the very best men. Dr. Burke, who was inspector-general of Her Majesty's hospitals in Bengal, used to tell me that the attractions of our service brought better men into it; and latterly I have been told by Dr. Smith that he thought that by going to the universities in the three kingdoms, he obtained as good men as it is possible to procure. Then, on the other hand, previously to this examination system, we were appointed by nomination of the East India Directors; and of course it happened occasionally that not very good men got into our service.

1581. Sir *J. Ferguson.*] Were many men rejected upon examination after their nomination?—I have not heard. I do not think so.

1582. Mr. *Peel.*] Did not you state that a surgeon of an Indian regiment on coming to this country was paid only the British rate of pay?—Yes.

1583. Does not that seem to show that the higher rate of pay in India is due to some disadvantages, supposed to attend residence in India?—Assuredly; every person who serves in such a climate must in justice be rewarded accordingly.

1584. Then if the advantages given are not more than to compensate for the disadvantages, how do you make out that you obtain a higher class of men than we do?—I merely mentioned that I was informed so by Dr. Burke, and the present examination system, I think, is calculated to procure a higher class of men than has ever entered the Indian army.

1585. Do you consider that the remuneration for medical service in India, in the Indian army, is higher and better than that afforded in the Queen's service?—Yes, I think it is, even taking into account the disadvantages of climate in India, which are the reasons for the higher pay.

1586. Sir *H. Davie.*] Do you know at all the relative mortality in the two medical services?—No, I do not; but I believe it is very high in sickly campaigns and in unhealthy countries, throughout India.

1587. How many years is an officer in the Company's service, not a medical officer, obliged to serve before he can claim his retirement?—In the army they are required to serve 22 years before they are entitled to the full pay of their then rank.

1588. Exclusively of the three years' leave?—Yes.

1589. Do you know upon what ground it is that the retirement is given to medical officers at the end of 17 years, and to military officers at the end of 22 years?—The difference of age. An ensign is admissible into the service at the age of 16; the cadet boy may be but 16.

1590. Colonel *North.*] The same as in the Queen's service?—Yes.

1591. Sir *J. Trollope.*] At what age is a medical officer admissible?—Twenty-two.

1592. Colonel *North.*] Are you able to get a better sort of medical officers, because of the much greater advantages enjoyed by the medical department of the East India Company as compared with our medical department, by having full pay retirement at the end of 17 years, and by having 18 months' leave on full pay?—The advantages are considerable; but it is to be taken into account that we serve many of us for life in India, that many fall, and that many are damaged by the climate.

1593. But you may at your own option cease after 17 years?—Yes.

1594. And besides increased pay you have also certain allowances in India, which of course you do not get when you are in England, but which are great inducements to the service?—Yes; but a surgeon in Her Majesty's service serving in India, has those allowances as well as we have.

1595. *Chairman.*] What is the highest rate of retirement for the highest rank that you have?—We now retire according to a progressive scale, according to the length of service; 17 years' service gives the pay of the rank then attained as a full surgeon. Then he gets captains' pay, which is 190 *l.* odd; then after 21 years' service, it is increased to 250 *l.*, and from that it progressively rises up to 700 *l.* a year pension, for which he must serve 32 years.

1596. Mr. *Peel.*] But those rates are not the full pay of his own rank?—No, they are given for length of service; it is a recent order of 1842. Before that it had been given seven years previously to the officers of the army. A captain of the Bengal army, who serves 32 years, though still a captain, retires on the full

full pay of a colonel, and it was to bring the medical corps up to that standard of the army that this was granted to medical officers.

1597. What is the rate of daily pay to a captain of 17 years' service in India?—I think it is about 400 rupees a month, that is about 40 *l.* a month.

1598. What would he receive supposing he wishes to retire?—He receives a British captain's full pay.

1599. Is that less or more?—Less, by more than half.

1600. Mr. *L. Gower.*] In your opinion, is the disproportion between the advantages enjoyed by the medical service in the Indian army, and those enjoyed by the medical service in the English army, in Her Majesty's service, greater than the disproportion between the advantages enjoyed by the military officers of the Indian army and those of the military officers of the Queen's army?—I think the advantages possessed by the officers of the Indian army far exceed anything in any medical service whatever. Were I to begin life again, I should very much rather begin there as a cadet than as an assistant surgeon.

1601. I meant as to the proportion between the two services in respect of the medical department as compared with the proportion between the two services in the military department?—I think that, comparing the two, the advantages of the Indian medical department are certainly greater than those of the medical department of the British army.

1602. Greater in proportion than the advantages enjoyed by the Indian military officers are, as compared with the advantages enjoyed by military officers in the English service?—That I cannot say.

1603. *Chairman.*] Will you state what is the highest retiring pay that a medical man in the East India Company's service can receive?—£. 700 a year.

1604. After what length of service?—Thirty-two years' actual service in India.

1605. Colonel *North.*] No deductions are made for illness?—No.

1606. Mr. *Peel.*] What would be the pay of the same officer if on duty after the same period of service?—Thirty-two years' service in India would about bring him to the rank of superintending surgeon in the Bengal army.

1607. What would be his pay then?—His pay then would be from 120 *l.* to 160 *l.* a month as superintending surgeon in the field.

1608. Colonel *North.*] You do not know anything about the pay of an inspector-general in the Queen's service?—No, I do not.

1609. Mr. *Percy.*] What are the regimental allowances to which you alluded?—The pay of the officer's rank, and the regimental allowances.

1610. Sir *H. Davie.*] Did I rightly understand you just now, to say, that you consider the relative advantages of the Indian medical service over those of the Queen's medical service, to be greater than the advantages of the Indian army officers over those of the officers in the Queen's service?—I am not sure that there are any such advantages.

1611. Do you know at all on the average how long it takes an officer to get the command of a regiment, to have the rank of Lieutenant-colonel in the Indian army?—It takes too long a time, very much; they are older than they ought to be. I think on the average from 20 to 25 years; and even more.

1612. Would you not say that at the end of 22 years, generally speaking, an officer would be Lieutenant-colonel?—No, seldom or never, except by brevet; not in promotion by seniority. It would be very rare indeed; there is hardly such a thing to be seen.

1613. Mr. *Peel.*] Does the opportunity of retiring so early as after 17 years enable the retired officer to get a civil practice?—There are so few who do retire at the end of 17 years, that I hardly know; and the few who do, are constrained to retire from extreme ill health; and their constitutions are generally broken, so as to make them unfit for much practice in this climate.

1614. You think that the length of service required for retirement need not be considered with any reference to the probability of procuring private practice after retirement?—No; it is entirely away from all prospect of that.

1615. *Chairman.*] Do you think it desirable that administrative officers should at one time do executive duty?—I think it is desirable that in the British

J. R. Martin, Esq., F. R. S.

26 May 1856.

army they should be occasionally exchanged, for I look upon the regimental duty of a medical officer as the very highest function which he can perform at all; he is the first officer of his line in the army.

1616. Do the East India Company's surgeons like to join for a long time the Queen's regiments?—No.

1617. Why is that?—They have no advantages when serving in Her Majesty's regiments. They have advantages when placed in charge of their own regiments.

1618. What length of service do you think it necessary for a medical officer to have before he is made an administrative one?—I should say on or about 20 years. He should have had an opportunity of acquiring experince in every branch of the service, and should have had an opportunity of seeing foreign and field service, without which a man cannot be a good administrative officer.

1619. Mr. *Percy*.] Does the superintending surgeon report upon the conduct of his juniors?—He does.

1620. Are such reports confidential reports?—I presume that they are, but they are non-effective, the superintending surgeon being so old that we do not look to him for anything.

1621. Who reports upon the conduct or misconduct of officers?—In my experience, generally, the military officer in command.

1622. Would he be competent to report on a case of medical incapacity?—If it were strictly a professional disability or misconduct, there would be a court of inquiry probably, and there would be some medical officer associated in that inquiry.

1623. But supposing it is a case of medical neglect?—In the instances of medical neglect that have come under my personal knowledge, they have been called to notice by the military authority.

1624. Sir *J. Ferguson*.] Are they cases of frequent occurrence?—Not at all.

1625. Have you known many instances of courts of inquiry being held upon medical officers upon complaints of that sort?—Very rarely indeed.

1626. In cases where a medical officer has been guilty of misconduct and neglect, is he, without being cashiered, ever put at the bottom of the list?—No, only by sentence of court-martial; there are very few courts-martial upon medical officers.

1627. Mr. *Percy*.] Are confidential reports made to the Board?—I presume so; they certainly ought to be; that ought to be an essential part of the duty of administrative officers.

1628. Who would be the officer to make those reports to the Board?—The superintending surgeon of the division.

1629. You think it is necessary that such reports should be made?—I should say so; and were such reports more continuously made, and more continuously acted upon, the efficiency of the medical department of the army would be greatly enhanced.

1630. *Chairman*.] Do you carry out in the East Indies a general system of sanitary reports extending over the three Presidencies?—I submitted to the Government of India a detailed proposal for sanitary reports 20 years ago.

1631. Are those reports printed?—They were ordered to be printed, and I believe are printed; they are certainly printed in the Madras Presidency.

1632. Is it the custom of the East India Company to print the reports of the officers upon the statistics of medical science in India?—I am afraid not. But it was part of my plan that they should be printed and collected into volumes at each Presidency, and that copies of them should be placed in the office of the quartermaster-general of the army.

Alexander Grant, Esq., called in; and Examined.

A. Grant, Esq.

1633. *Chairman*.] WHAT is your present position in the medical service of the East India Company?—I am a Surgeon on the Bengal Establishment, and hold a substantive appointment as Surgeon to the Presidency General Hospital at Calcutta.

1634. How long is it since you were in India?—I have just returned from India.

1635. What position did you hold with reference to Lord Dalhousie?—I was the personal medical attendant of the Governor-general of India.

1636. Will

1636. Will you state your services?—I have been nearly 16 years in the service. I have served in all its various branches, both in the field in a military capacity and in civil employment, and on the staff; during the first four years of my service I was in China with two of Her Majesty's regiments; at the conclusion of peace in 1842 I remained in garrison at Chusan for nearly two years with the 55th regiment, and when the 55th went to England in 1844, I went as medical officer to Her Majesty's 98th, and I was detained at Hong Kong in charge of a wing of that regiment; after that I proceeded with native troops to Madras, and then to Bengal; in 1845 I went to the army of the Sutlej in the first Sikh war, and did duty in the depôt field hospital. I then returned to civil employment, and had charge of a civil station, and did various duties unconnected with my profession, and when at this civil station I was selected by the Governor-general (I did not know him personally), to become his personal medical attendant, and I have remained in that capacity since 1848, and have just returned to this country with him.

1637. Is it the custom to remove medical officers from the East India Company's service to the Queen's service?—It is often the case to lend them, because on the establishment of one of the Queen's regiments, although there are four medical officers, there are always one or two of them sick or absent. When I joined the 55th regiment there was only one medical officer, the surgeon of the regiment, with it; it is an advantage to a young assistant-surgeon, because he gets experience in European practice.

1638. Will you state the nature of the experience?—We had a surgeon, a very able officer, since deceased, Dr. Shanks; after finding that he could place confidence in our knowledge, he gave us the care of two or three companies, according to the number present, and we had the sole medical care of those men; if there was any one dangerously ill, he visited the case with us, and we had his guidance and advice.

1639. Mr. *Peel.*] Is there a supernumerary staff of Indian surgeons for the purpose of being attached to civil duties or to the Queen's service?—No; there are no supernumeraries; the establishment is, I may say, always under its number.

1640. *Chairman.*] Has the Queen's service ever lent surgeons to the East India Company's troops?—I do not know any instance of it, but I have heard that they do on an emergency when they can be spared.

1641. Mr. *Peel.*] How does it happen that so many young assistant-surgeons are always available for duties of this sort?—They withdraw them from other duties; they must make them available in time of war; in the case of the 55th, four ships took the regiment to China, and it was absolutely necessary that four medical officers should go.

1642. Were they withdrawn from any Indian regimental duties?—They were withdrawn from other duties, either civil or military, whatever they might be.

1643. *Chairman.*] Will you proceed with your statement of the advantages which you think the East India Company's surgeons derive from occasional attendance on Queen's regiments?—The great advantage is the opportunities of practice and of *post mortem* examinations.

1644. Then can the East India Company's surgeons have no *post mortem* examinations on the native troops?—Not on the native troops, certainly; I had a great deal of practice in the gaols; we have ample opportunities with the prisoners in the gaols, and often in cases of poisoning.

1645. But it is prohibited with respect to the troops?—Yes; they have a prejudice against it; unless the death is under suspicious circumstances, it is never done.

1646. What is the examination of the East India Company's candidates?—The examination is very much the same as at the Royal College of Surgeons, but I think more extensive, and more with respect to the duties which are before them, with reference to the peculiarities of tropical climates and military surgery.

1647. It is competitive, is it?—It is competitive since the last charter.

1648. Have they a probationary period at Calcutta or elsewhere?—There is a probationary period, but it virtually does not exist, on account of the paucity of medical officers; immediately they come out they are sent away to do duty with regiments or at civil stations. Very lately Lord Dalhousie issued a new series of orders enjoining that they should, at all events, have a three months'

A. Grant, Esq.

26 May 1856.

probationary course at the hospitals at Calcutta, more especially at the general hospital.

1649. Is the East Indian army medical service in want of candidates now?—There was an increase made to the Bengal establishment of 50 assistant-surgeons about a year and a half or two years ago, and I believe it has not yet been nearly filled up.

1650. To what do you attribute that?—I think partly it may be owing to the war, and the advantages of more quick promotion in the Queen's service lately, and also no doubt to a disinclination to go to India from the paucity of rewards for men of talent and energy in the medical department in India.

1651. Do you think that the East India Company's medical department is underpaid?—Not as a body, perhaps; I think that for men of ordinary capacity, easy-going men, the service is well paid; but I think that for able and earnest men who would have acquired a European reputation, and who would have made a large practice for themselves, the service has not any inducements to remain in it. There are no great prizes in the medical service.

1652. Those would be exceptional cases, such as the case of Dr. O'Shaughnessy?—I should think there are many men, not of his scientific talent, but of great professional talent, so that such cases would not be exceptional.

1653. Do you find that they leave the service at the earliest period?—They do now; so much so that there are a good many officers who have left on the bare pension, and without their annuities. The medical retiring fund, which is a great attraction to our service, gives an annuity of 300*l.* a year, six annuities every year.

1654. But it mulcts the medical officer very much during his stay in the service?—It does; but it is a very popular institution in the service.

1655. Will you give some details of that institution?—It is a mutual insurance company; we pay a subscription monthly; my subscription, as a surgeon, is 59 rupees, which is about 6 *l.* a month.

1656. Is it compulsory?—It is compulsory.

1657. Is there a subscription to any other fund that is compulsory?—We subscribe to the military fund and to the orphan fund.

1658. What amount would you pay to that in your present rank?—As an unmarried subscriber, I pay to the military fund about 16*s.* a month, and to the orphan fund, I think, from 7*s.* to 8*s.* a month.

1659. Has an unmarried medical officer any advantages from that fund?—From the military fund he has this advantage, that if he gets sick at any time during his service, and is obliged to go home, the fund pays his passage, and it gives him a small allowance, according to his rank; I think, for an assistant-surgeon, it is 50*l.* a year; but he must make a declaration that he is not worth 500*l.*, otherwise he derives no advantage from it.

1660. In the event of death, does the whole of that lapse?—Yes, all the funds lapse.

1661. Will you state the present arrangement for sick-leave in the East India Company's service?—It is a very complicated arrangement, because the rules have been lately changed, and they have not been made retrospective; so that officers who were in the service before the new rules were promulgated may take either the old or the new. I think that most of the officers are taking the new rules, and under the new rules, officers, either military or medical (there are no exceptions made, and there are the same advantages to both) may come home on sick leave for two years; or if a man has got a staff appointment, and wishes to retain it, he may go for 15 months, and retain his appointment, and may draw Indian pay and allowances and half staff salary for six months out of those 15 months.

1662. What does he get for the rest of the 15 months?—He gets merely the English pay of his rank; if he is a surgeon or assistant-surgeon he gets the pay of the same rank in the Queen's army.

1663. Has he payment of his passage?—No.

1664. No reduced rate of passage?—No, none. I believe the military fund will give him a certain allowance for passage, provided he has not 500*l.*

1665. Would not the Company's steamers carry him at a reduced rate?—There are no Company's steamers from India to England.

1666. Colonel *North.*] Compared with pay, are the allowances larger than the pay?—Very often they are; they may be consolidated allowances.

1667. What

1667. What is the actual pay of a surgeon of a regiment?—In the native regiments of course the responsibility and labour are much less, and the pay there is smaller. With a European regiment there is very serious responsibility and very hard labour; and they get higher allowances.

1668. What would a surgeon's pay in the Indian service be irrespective of his allowances?—The pay of every surgeon is that of a captain, 415 rupees a month; about 41 *l.* 10 *s.* Then, when he is in charge of his regiment, whether native or European, he receives a salary of 300 rupees, and in addition to that, with a European regiment he receives 25 rupees for every 100 Europeans under his medical charge; so that with a battalion of 1,000 men a surgeon in India has about 1,000 rupees a month; that is 100 *l.*

1669. What would he get upon coming home for two years?—Nothing but his simple pay of captain, 192 *l.* English pay. If he took leave in India, and went to the Hills for the benefit of his health for six months, he would draw simply his captain's pay of 415 rupees.

1670. *Chairman.*] What have hitherto been reckoned peculiarly the great advantages of the Indian medical service?—One of the great attractions has been the medical retiring fund; but that is not such an advantage now, because the annuities have been in such demand, that a medical officer after 17 years' service, who wishes to retire from infirm and broken health, cannot get an annuity, and he may have to wait six or seven years; and all that time he has to pay up these heavy subscriptions, which few men can afford to do. They cannot get annuities now under from 24 to 25 years' service, which is a very long time to wait.

1671. What are the other advantages of the service —There are great advantages in regard to pay over other services in Europe; but not as respects the services in India.

1672. Are there not adventitious advantages in the East India Company's service?—There are civil appointments, one of which I held myself; it was reckoned one of the best appointments. I had small pay, only 350 rupees a month, for the civil duties, vaccine, &c.; but I was postmaster of the station, and registrar of deeds, which is an office under the judge, and requires an acquaintance with the native languages.

1673. Colonel *North.*] Supposing a surgeon in the Indian service to have his health broken down before he had served his 17 years, what pay would he get?—Nothing. There is, I believe, a certain charitable fund called "Lord Clive's Fund," which gives a small pittance upon representation, but it is very small.

1674. There is no such thing as half-pay in such a case?—No.

1675. Sir *H. Davie.*] Are decorations ever given to medical officers in India?—Very few indeed. I think in the whole of the Bengal establishment with about 400 medical officers, many of whom have seen a great deal of service, although decorations have been very profusely given in the military department, there are only one or two C. B.'s in the whole establishment.

1676. Have there been no C. B.'s nominated in the medical department for either Sir Charles Napier's or Lord Gough's campaigns?—The present one, one of the members of the Medical Board, Mr. Renny, is for Lord Gough's last campaign.

1677. But there is none for Scinde?—None for Scinde, that I remember. At the time of the Scinde campaign the Bath was not, I believe, open to medical officers.

1678. How long is it since the medical officers have received the Order of the Bath?—A very few years; since the time that Sir James M'Grigor was made, and Sir William Burnett, and there was one K. C. B. made in India.

1679. Do you consider that the Indian officers are in a worse position in that respect than the Queen's medical officers?—I do not think they are in a worse position; but they are in the same position; and it is viewed as a great source of humiliation when they see military honours bestowed upon mere courage, that those who have the same dangers, and sometimes greater, should not, at all events, have a less unequal share of honours.

1680. When you talk of "courage," you do not refer to personal acts of courage in the field?—No; but they are exposed to great risks, both under an enemy's fire, and amidst the ravages of pestilence, which it requires great courage to confront.

A. Grant, Esq.

26 May 1856.

1681. You do not consider it part of a medical officer's duty to expose himself unnecessarily to risks?—No, by no means; but in China we always had to attend the regiments whenever they were engaged; and one medical officer was always at hand for immediate service with every storming party. I have myself been several times under fire, and had men wounded round me.

1682. *Chairman.*] What are the other disadvantages of the Indian medical service?—I think one great disadvantage is the want of efficient administrative machinery in the establishment. It is strictly a seniority service, and the prizes of the service, that is to say, the administrative prizes, are rather premiums upon longevity than the rewards of merit.

1683. Are you acquainted with the plan which has been submitted by Lord Dalhousie to the Court of Directors?—I have heard the leading features of that plan.

1684. Can you state to the Committee the leading features of it?—Lord Dalhousie proposed, that instead of taking the three senior members of the service and constituting them a Board, there should be one director-general, and that he should be assisted (but not controlled) by two high officers, one to be inspector-general of army hospitals, in communication with the Commander-in-chief upon all points of military medical discipline; the other to be inspector-general of civil hospitals, and to be in communication with the three civil Governors who constitute the Bengal Presidency, the Governor of Bengal, the Governor of the North West Provinces, and the chief Commissioner of the Punjaub, who have a very large medical establishment under them, and who have the patronage entirely in their hands of that portion of the medical establishment.

1685. Are those the leading features of Lord Dalhousie's plan?—Those are the heads of it. Then he proposed selecting the superintending surgeons who are of the same rank as the deputy inspector-generals of Queen's hospitals. There is one superintending-surgeon attached to each General of division; in Bengal he has a circuit, sometimes exceedingly extensive, so that he can rarely visit it; and his Lordship proposed introducing a grade of administrative officers, called first class staff surgeons or deputy inspectors who should take the executive duties of those divisions; so that the superintending surgeon should always remain attached to the head-quarters of the General, and carry on the current medical duties, while the staff surgeons should go round the division and examine into the details of the stations, whether civil or military; and this officer would be available also for emergencies in the event of war, which so often occurs in India; he could organise field hospitals, and give the benefit of his experience and ability in any other emergencies that might arise.

1686. Do those suggestions extend to the lower ranks of the medical profession?—With respect to the lower ranks, his Lordship proposed that the assistant-surgeons should be divided into two classes, first and second; that the first class should be men of above seven years' service, and that they should get a small additional pay, provided they were favourably reported upon; and he also proposed, I believe, to place the medical officers on the same footing in respect to honours and rank, as their military brethren, by giving them substantive rank and honours, so that those who had distinguished themselves in the field, should share in military honours in a less invidious proportion than they do at the present time.

1687. Colonel *North.*] Then I understand that questions were never to come to a vote at that Board?—Never to a vote as at present; a Board is often put out of harmony like a band, if there is one discordant instrument in it.

1688. *Chairman.*] Your opinion is in favour of one absolute director-general, rather than a Board?—Yes; but I do not think that one man can conduct those heavy duties without the assistance I have mentioned.

1689. The question is rather as to the governing body; you think that one man had better be absolute, rather than that the direction of the body should be vested in a Board?—Yes; but there should be checks upon his being absolute; I think he ought only to have the power of recommending for all staff appointments.

1690. Is that practically in existence now?—No, the Board has no influence whatever; they have no patronage; the patronage is divided between the Governor-general and the Commander-in-chief, and the Governors of the Provinces.

1691. How

1691. How can they judge of official capacity?—They have no means of judging but by the inquiries which they make; and in general the Governor-general, being far removed from all local influences and prejudices, selects men very satisfactory to the service. But there has been of late a good deal of dissatisfaction in respect to other appointments.

1692. Is the mortality great among the native soldiers in India?—It is very slight; I think generally about one-and-a-half per cent.

1693. Then the duties of the medical officer in a regiment are comparatively slight?—Very slight. But the establishment is so weak that I have known one assistant surgeon to two or more regiments, and as he had to attend to the officers and their families, his duties were really heavy.

1694. You have hospitals for the European soldiers' wives?—Yes.

1695. Does the regimental surgeon attend those?—He does always, or one of the assistant-surgeons.

1696. Is the attendance compulsory or not?—Yes, it is part of his duty.

1697. Mr. *Percy*.] Is any alteration proposed in the ranks lower than assistant-surgeon?—There is no commissioned officer below that.

1698. In the non-commissioned officers, the subordinate medical establishment, is any alteration proposed?—No. It is considered to be a very efficient establishment just now. I can speak from personal experience of its usefulness, and of the qualifications of its members. They are very carefully educated, and they have to pass an examination in every stage of their promotion.

1699. Are they principally natives?—No there are no natives among them; they are pure Europeans or East Indians. What is called an East Indian is one whose mother is a native and father a European; any mixed race.

1700. *Chairman*.] Will you state the number of medical ranks in a European hospital in the East India Company's service?—There is a surgeon, and two or three assistant-surgeons; there is an apothecary, a steward, an assistant steward, and an assistant apothecary, and sometimes there are apprentices,—boys who are learning those duties. I may mention that the establishment in the 55th Regiment, when I went to China with it, consisted of four medical officers (a surgeon, and three assistant-surgeons), a steward, an apothecary, and three assistant apothecaries.

1701. Is the steward a commissioned officer?—A warrant officer. They are all warrant officers in the subordinate medical department.

1702. Those who dispense the drugs are warrant officers?—Yes, they are like a conductor in the Ordnance, or rank as a boatswain in the Navy.

1703. Mr. *Percy*.] Are there any other subordinate officers?—There are also native dressers. They assist those men in various ways.

1704. How many dressers had you with you?—I think two or three dressers. Those are natives upon very small pay.

1705. Are they useful?—Most useful men.

1706. *Chairman*.] What is their highest grade of promotion?—The warrant officers do not rise higher than apothecaries; but some have gained so much experience with European regiments, that they have been selected by the Government for the charge of regiments, partly in order to reward them, but mainly because of the paucity of medical officers in India.

1707. Do they then become commissioned officers?—No, they do not. They have sent in a memorial praying that some few of them, who are of high character and who have distinguished themselves, might get unattached commissions, such as are granted to soldiers in India who are promoted from the ranks.

1708. Is your own view in favour of that petition?—I am in favour of it, because they are in important charges, and they are in a very anomalous position; they are in charge of regiments, but they are only warrant officers, and if upon entering a room, as one of them told me, he is offered a chair, it is only a matter of courtesy; he is not entitled to receive a chair, and they feel it very much. Although they are in medical charges and act as officers, still their position is a doubtful one.

1709. Your opinion is, that a commission should be granted to them as a reward?—Yes, to a few of them.

1710. You do not think it desirable that they should commence as commissioned officers?—By no means.

1711. What contributions to medical science does the East India Company's

A. Grant, Esq.

26 May 1856.

service afford?—They are entirely voluntary on the part of the medical officers. In Bengal there was a body of transactions of the Medical and Physical Society, which does not exist now. There was also a medical journal, which also ceased after many years, because of the officers who conducted it leaving or dying. And within the last two years there has been a journal called the Indian Annals of Medical Science, a volume published every half year of medical reports and essays.

1712. Mr. *Percy*.] Are any opportunities given to the medical officers in your service to advance in the knowledge of the profession by other means than their practice in the regiment?—At a few of the stations, and in Calcutta. I myself, when in civil employment, nearly doubled my pay by private practice; of course I had to work very hard for it; it was chiefly among the European planters of the district.

1713. What opportunities had you of keeping up a knowledge of the profession and of the new discoveries of science?—We in India get the journals from England; but it is very difficult in moving about to carry heavy boxes of books; I never had a home for any time since I have been in the service.

1714. Then the civil practice is of great use to you?—Yes.

1715. And it is of great advantage to the army, as giving you an opportunity of extended practice?—We are bound to attend every person in India who applies to us, and cannot get any other medical attendance; and the Government approve of it, for men of capital in the interior of the country could not otherwise get medical attendance for themselves and families.

1716. Is that the case with the surgeons of the Queen's army?—In Ceylon it is; at Columbo the Queen's officers practice in civil life.

1717. But not in India?—They are never in a situation where they can practice. There is only one surgeon in the Queen's service in Calcutta, and he is in garrison.

1718. Have the regimental servants of the Queen's army any opportunity of seeing hospital practice?—They have their own hospitals, and they may visit other hospitals at the stations where they are, if there is anything interesting going on.

1719. *Chairman*.] Have you more than one examination among the native surgeons?—The sub-assistant surgeons, before they are promoted to a higher grade, are examined.

1720. But there is only one examination among the Europeans?—There is no examination whatever on promotion.

1721. Is there no examination of the natives on promotion?—Among the sub-assistant surgeons there is, and in the subordinate medical department of apothecaries and stewards; they are promoted from apprentices to assistant apothecaries and apothecaries, and they are examined on each grade.

1722. Sir *J. Ferguson*.] You stated that in Lord Dalhousie's new plan it was the intention to have staff surgeons; was that because the superintendence of the medical department of the army is deficient?—It is very defective.

1723. Is it the fact that there is almost no one to detect neglect or incapacity in a regimental surgeon?—The machinery is very loose for that purpose, I must admit.

1724. Do you think that one rank of staff surgeon would be sufficient?—By selecting an able officer with 20 years' service, who would command the respect of his professional brethren, and whose dictation would be submitted to, I think great advantage would be found.

1725. Would you think that in all cases he ought to be senior by length of service to the surgeons under him?—If possible he ought to be senior to most of the others; he ought to be of standing, provided he has other qualifications.

1726. You would not approve of a staff surgeon being appointed over a regimental surgeon who was of longer service?—Not unless he was acknowledged to be a very eminent man by his own profession; they are the best judges.

1727. Upon the whole do you think that the inducements to enter the Indian service are such as to command the best men?—I think it ought to command the best men. If the administrative machinery was more effective there would be more prizes for able men. Those staff surgeoncies would be prizes for them. There is a great want in the Indian service of some grade between superintending surgeon and regimental surgeon. They get promoted as regimental

mental surgeon, and then they retire because the prospects are so small. They do not reach a superintending surgeoncy till they are of 32 years' service.

1728. The last witness stated that the members of the Medical Board are of a very advanced age. At what age do you think a medical officer ought to be expected to retire?—I think they ought rarely to be allowed to remain after 35 years' service. The members of the Medical Board at present are the best that have been during this century, but that is a matter of accident; and they have been 43 or 44 years in the service, so that they must be past 60, because no man can get a commission till he is 22.

1729. With respect to the military rank of surgeons, do you think it would be of advantage that the surgeons should have substantive military rank?—Yes, I certainly do; I feel, with many others in India, very strongly upon that point; I think there is an invidious distinction drawn in that way, which has a deteriorating and depressing effect upon the service. I have travelled a great deal about India, in all parts of it, while I have been upon the staff; and I have often heard surgeons complain of the public marks of depreciation and inferiority which they suffer in this respect. The denial of rank excites dislike to the military service and disaffection to Government. They have to act on committees; for instance, a committee on provisions; and there are, say, a young lieutenant and ensign upon it; and a surgeon, an old man probably, who has been for 30 years in the service, has to sign his name after the ensign. It is the more felt in India, where society is entirely official. People may view it as of no importance, but army surgeons do feel the want of that substantive rank. It is not military rank which the surgeons want; it is a kind of social rank; for instance, ladies are very tenacious of the rank of their husbands. Of course, in official life at a Governor's house, it is considered that the colonel's wife goes in before the major's, and the major's before the captain's; but the surgeon's wife would have no social position in that way.

1730. Mr. *Peel.*] But have you not that social position now, by having comparative rank?—No, it is denied.

1731. Then what is the meaning of "comparative rank"?—Comparative rank is merely that a man is entitled to the choice of quarters in cantonments and of cabins on board ship, and to prize money. I have never suffered from it. I merely state what I have heard myself in talking with medical officers.

1732. And you consider that social position cannot be given in any other way than by giving substantive rank?—I do not see how it can.

1733. Colonel *North.*] It would not allow the medical officers to interfere in any military duties?—Not at all.

1734. Mr. *Peel.*] What do you mean by "substantive rank"?—For example, in sitting upon a court of inquiry; suppose there is a court of inquiry upon a military officer, probably upon his habits, where it would be of advantage to have a medical officer's opinion, I do not think an old surgeon of 25 or 30 years' service ought, in sitting round the table where the court assembles, to be the lowest at it.

1735. Sir *H. Davie.*] Would that practically be the case?—It is practically the case at present; he signs his name last of all; his commission confers no rank or precedence.

1736. That is a Board of military officers?—But it is no military duty involving command.

1737. Of course the distinction is owing to his not having substantive rank?—Yes; it might be avoided by calling the medical officer in as a witness merely, and not placing him in a position which he views as humiliating on committees and on courts of inquiry.

1738. Sir *J. Ferguson.*] It was stated by Dr. Mapleton that he thought that the medical officer would be more useful as a witness than as a member of the Board; do you agree in that?—I will not give any opinion as to the greater usefulness; but, at all events, it would be a position less offensive to his feelings.

1739. But you are quite clear that while you recommend that a medical officer should have substantive rank to improve his social position, he should have no military rank?—Most assuredly.

1740. Sir *H. Davie.*] You mean that on a court of inquiry, or a Board of any kind, such as a committee on provisions, the surgeon should take his rank, for example, as a captain, according to his standing?—Yes. I think a

A. Grant, Esq.

26 May 1856.

surgeon by his education is in every respect as fit to judge on a committee upon provisions, or upon an inquiry into the conduct of an officer as a gentleman, as a military man.

1741. But practically speaking, do you think it desirable that medical men should be employed at all in such inquiries?—In committees upon provisions, it is absolutely necessary always to have a medical officer.

1742. Would not the time occupied in those things interfere a good deal with his professional duties?—I think not. They would always endeavour to suit the time, as it is done now; he is now called upon for those duties, but he is always taken as the lowest in rank upon them.

1743. It is the custom to put medical officers upon Boards?—Yes, upon committees. I myself have been often, in my younger days, upon committees on provisions, and things of that sort.

1744. *Chairman.*] Has a medical officer ever sat upon a court-martial in the East India Company's service?—Never.

1745. Mr. *Peel.*] He would sit if he had substantive rank, in the sense in which "substantive rank" is generally understood?—I do not know why he should not; I think he ought to be as fit to judge of an officer's conduct as a military officer.

1746. Colonel *Kingscote.*] Do you know the rate of mortality in your department?—In our department, it is one per cent. greater than among the military officers. It is so reckoned in some tables of mortality.

Serjeant *William Sheldrake*, called in; and Examined.

Serjeant *W. Sheldrake.*

1747. *Chairman.*] WHAT is your rank?—Serjeant in the Army, and Hospital Steward of the Regiment.

1748. How long have you been attached to the hospital establishment?—I have been three years and two months in my present situation, and one year and six months battalion hospital serjeant.

1749. What does your establishment consist of?—Steward, surgery man, one cook, and four nurses or orderlies.

1750. What is the amount of their pay?—£. 1. 18 *s.* 6 *d.* weekly.

1751. Will you state the additional pay to each class?—The steward, 1 *s.* 6 *d.*; the surgery man, 1 *s.*; the cook, 1 *s.*; the nurses, 6 *d.* each a day.

1752. Mr. *Peel.*] That is extra pay?—Yes.

1753. Colonel *North.*] Were you colour-serjeant?—I was colour-sergeant.

1754. Did you relinquish that rank on being made hospital steward?—I had to lose the rank of colour serjeant on my becoming hospital steward.

1755. *Chairman.*] What is your pay?—Three shillings and seven-pence for hospital and rank.

1756. What are the duties of hospital serjeant?—To take charge of the hospital and everything connected with it, and the dietary and servants.

1757. Mr. *Peel.*] Do you maintain discipline in the hospital?—Yes; everything.

1758. *Chairman.*] What is the duty of the corporal, the surgery man?—The surgery man has to dispense. Our surgery man is a private.

1759. How long has he been in his present office?—Two years.

1760. What training had he before he came into that office?—He had been connected with the hospital some years. He had been employed in the hospital as an orderly, and dispensing occasionally.

1761. On the absence of the former corporal was he appointed to take his place?—Upon the former surgery man being discharged he took his place.

1762. He was under the surgery man before, was he?—Not in this hospital; he came from Croydon Hospital to us; he got a knowledge of it there. Before that he was at Windsor as a nurse. At Croydon there is no surgery man kept; the serjeant dispensed.

1763. Did he perfect himself in dispensing under the Croydon serjeant?—Yes.

1764. Mr. *Peel.*] How do you rank as an hospital serjeant?—Serjeant; I relinquished the rank of colour serjeant on being appointed steward.

1765. *Chairman.*] Who compounds the medicines prescribed by the medical officer?—The surgery man.

Serjeant *W. Sheldrake.*

26 May 1856.

1766. Mr. *Peel.*] Must a man be a non-commissioned officer to be appointed hospital serjeant?—Yes.

1767. He would not be promoted from corporal to be hospital serjeant?—It is never done with us; he is taken from the senior serjeants. I had been connected with it before.

1768. Sir *H. Davie.*] He must be a good clerk, must not he?—Yes, he must be conversant with accounts.

1769. It is your duty to keep the accounts of the department in the regiment?—Everything connected with the department.

1770. And those accounts are audited once a month?—Yes, by the quartermaster in our regiment.

1771. *Chairman.*] Have you ever known any mistake in compounding or administering any medicines?—Never.

1772. Is the dispensary generally open?—It is open.

1773. Do you keep particular medicines under lock and key?—Particular medicines are set back out of the way, so that you cannot get at them without removing other bottles.

1774. You always refer to the medical officer if there is any doubt with respect to any medicine?—Yes.

1775. How many patients have you in the hospital now?—Ninety-one.

1776. Sir *J. Trollope.*] Out of what force?—One thousand three hundred.

1777. *Chairman.*] What length of time is necessary, in the event of any hospital corporal being appointed, for his instruction to make him thoroughly acquainted with the act of dispensing medicine?—For myself, I was appointed battalion hospital serjeant in 1847; and I was sent to the hospital for three months previously to taking the situation.

1778. Are your prescriptions in English or in Latin?—In Latin.

1779. But you are sufficiently acquainted with the names?—Yes.

1780. Colonel *North.*] Have you any allowances besides the pay?—Only regimental pay and hospital pay.

1781. Have you rations, or anything of that sort?—No rations; we have lodgings, and fire, and light.

1782. Is your position better, as hospital serjeant, than it was as colour serjeant of the regiment?—Yes; it is stationary.

1783. As to pay, is it better?—I forfeited 1 *s.* a week when I took it; I received 1 *s.* a week less; but the worst of all is, that I am to be discharged to-morrow, and if I am called out hereafter as a pensioner, I shall forfeit 6 *d.* a day pay by having been made hospital steward, in consequence of not being discharged as colour serjeant.

1784. How many years' service have you got?—Twenty-one years and six months.

1785. Were you aware at the time that you took the situation of hospital steward, that it would affect your pay in the way you have stated?—I did not give it a thought.

1786. Sir *H. Davie.*] You never leave London, do you?—No.

1787. Have you been in the Crimea?—No.

1788. You do not know anything about the way the medicines were dispensed in the Crimea?—No, I do not; they were dispensed in the same way as ours, in our regiment, in the battalion hospital.

1789. The medicines are dispensed by the corporals and serjeants, are they?—In the battalion hospital.

1790. Sir *J. Ferguson.*] What is the pay of a colour serjeant?—Sixpence a day in addition for the colours.

1791. What did you get as hospital steward?—One shilling and sixpence a day; I was pay serjeant, for which I received 8 *s.* per week.

1792. Colonel *Kingscote.*] When you went to the hospital as steward, you received less pay than before?—Yes; but I had light and fuel.

1793. Then you considered your position better in the hospital than when you were on parade, including the allowances?—Yes; but it is worse on discharge.

1794. *Chairman.*] What average time have you known each corporal remain in his position?—The last two surgery men that we had previous to this; one was about seven years, the other about six.

1795. Why did they leave?—The first left in consequence of being reported;

Serjeant *W. Sheldrake.*

26 May 1856.

he did not agree with the hospital steward; the last was discharged the regiment, having completed his service.

1796. The hospital corporal is next to the hospital serjeant, in the event of the battalion going on service, is not he?—Not with us; the colonel will not allow a corporal to be surgery man.

1797. That is the difference between your's and the Fusileers'?—Yes.

1798. Colonel *North.*] Is it the same with regard to the whole brigade, that the hospital serjeant, upon retiring, loses 6*d.* a day pension by having given up his colours?—It is not so with the Fusileers; there the hospital serjeant retains the colours.

1799. Sir *H. Davie.*] Then that differs from the Grenadiers?—The Grenadiers are the same as we are.

1800. Mr. *Percy.*] Is there any difficulty in finding a private capable of filling up the vacancy of surgery man when it occurs?—No; they require a little practice, because it differs from anything connected with regimental purposes.

1801. Colonel *North.*] You have no officer attached to your regiment, of a junior rank to the assistant-surgeon to the hospital?—None.

1802. You have no dispenser with the rank of officer?—No.

1803. Sir *J. Ferguson.*] Do you think that, in consequence of the fact of your being discharged now, with this lower pension by 6*d.* a day than you would have enjoyed if you had kept your colours, another serjeant will not come forward for the office of hospital serjeant?—I did not say that I shall get 6*d.* a day less pension; but in case of my being called out to be embodied as a pensioner, I should have received 6*d.* a day more pay when embodied, as having been a colour-serjeant, than I shall now.

1804. Mr. *Noel.*] It is perfectly optional to you to remain if you choose, is not it?—No.

1805. Sir *J. Trollope.*] Are you compelled to take your discharge at the full period of 21 years?—I was requested to do so, and in consequence I am to leave to-morrow.

1806. Colonel *North.*] Can you remain longer if you choose?—No.

1807. Sir *J. Trollope.*] You have no bodily defect?—No; I have a situation under Government to go to.

1808. Mr. *Noel.*] If you had not that situation might you have remained on?—No, I got that since.

1809. Sir *J. Ferguson.*] Can a serjeant who is not a hospital steward remain on?—No; they are all to be discharged at the conclusion of the peace; that is the colonel's wish.

Serjeant *George Simpson*, called in; and Examined.

Serjeant *G. Simpson.*

1810. *Chairman.*] WILL you state your rank?—Colour-serjeant and Hospital Steward.

1811. What is your pay?—One shilling and sixpence a day extra as being hospital steward, and 18*s.* 1*d.* a week regimental pay.

1812. How long have you been attached to the hospital establishment?—Upwards of eight years.

1813. Of what does the establishment consist?—Of a hospital steward, a corporal who acts as surgery man, a matron, one cook, and four orderlies.

1814. Mr. *Percy.*] How many patients have you in the hospital?—Eighty-eight to day.

1815. And only four orderlies?—Yes; there are other servants paid.

1816. *Chairman.*] What are the duties of the hospital corporal?—He dispenses the medicines under the superintendence of the surgeon or assistant surgeon.

1817. How long has your dispensing corporal been in the practice of doing this?—He has been nearly two years.

1818. How long was he learning to do it?—Three months.

1819. Was he an orderly before he was made surgery-man?—No.

1820. What induced them to take him for it?—It has always been the practice in our regiment to have a corporal, and when it becomes his turn to be a serjeant, we take a fresh one, who learns under the corporal who has gone away.

1821. Three or four months before he goes he takes the person who is to succeed him, and he teaches him?—Yes.

1822. Have you known many mistakes in the compounding or administration of medicines?—I have never known a mistake.

1823. Have you always had facilities of access to Dr. Richardson?—Yes.

1824. And you always refer to him at once if you have any doubt upon the subject?—Always.

1825. Colonel *Kingscote.*] Have you the sole control of the medicines in the hospital?—All the poisonous drugs we keep locked up.

1826. Have you the key?—The surgeon keeps the key.

1827. Sir *H. Davie.*] Are the prescriptions brought to you in Latin or in English?—In Latin.

1828. Does the corporal understand Latin enough to make up the prescriptions?—Sufficiently for that. He is not allowed to take the duty till he understands the prescriptions.

1829. In three months he can learn Latin enough to make up drugs from Latin prescriptions?—Yes.

1830. He never makes up prescriptions signed by physicians not connected with the regiment?—Never.

1831. *Chairman.*] You have only one handwriting, and only one physician to look to?—Either of the other surgeons may prescribe. We have three or four sometimes; a surgeon, and two assistant-surgeons.

1832. Has he to learn all their different handwritings in that time?—Yes.

1833. Would you say that generally three or four months was sufficient?—I should say that three months was quite sufficient.

1834. You occupied that position?—I did for four years.

1835. How long were you learning the duties?—Three months.

1836. Mr. *Percy.*] He has only to compare the name of the drug on the prescription with the name on the bottle?—He has also to make up blisters and different ointments according to the Pharmacopœia.

1837. Sir *H. Davie.*] Do you keep all the hospital accounts?—Yes.

1838. Who has the payment of the bills?—The quartermaster.

1839. Sir *J. Trollope.*] Does the surgeon enter his own prescriptions in the books, or do you enter them for him?—The surgeon.

1840. The practice exemplified towards each patient is entered by the surgeon?—Yes.

1841. It is never done by you or the corporal?—No.

1842. Are not all the bottles and jars labelled with the same Latin words that are used in the prescriptions?—They are all labelled the same as the surgeon orders.

1843. There is no difficulty in comparing the prescriptions with the labels on the bottles and jars which you resort to?—None at all.

1844. *Chairman.*] What is the average time of a corporal's remaining in that position?—About from three to four years; the one before was made a serjeant sooner in consequence of the war; he was only two years there.

1845. Mr. *Peel.*] Are the whole of the prescriptions written in Latin, or only the names of the medicines?—Only the names of the medicines.

1846. Is the period at which they are to be taken written in English?—No; that is in Latin too.

1847. Sir *H. Davie.*] Have the corporals and serjeants with the service battalion had as much experience in these things as those who are at home?—The one that went out on service with the battalion was a corporal at home.

1848. Having had experience at home?—Yes.

1849. Do you know whether the medicines which are sent to the service battalion are furnished by the hospital, or in any other way?—They took out a complete medicine chest with them when they went to the East; but all the supplies afterwards went direct to the battalion.

1850. Do you know whether the medicines that they received were labelled in the same way as the medicines which are furnished for the hospital at home?—I believe they were; the serjeant told me they were.

1851. You heard of no mistakes of any kind occurring in the compounding of the medicines in the service battalion?—No. I never heard of any mistakes occurring since I have been with the regiment.

1852. Mr. *Percy.*] Do you make up the diet rolls?—Yes, from the book.

Colonel *John Douglas*, 11th Hussars, called in; and Examined.

Colonel *J. Douglas.*

26 May 1856.

1853. *Chairman.*] YOU were in the Crimea?—I was.

1854. You have probably heard that there is a plan for introducing dispensers as commissioned officers?—I have heard that there is such a plan in contemplation.

1855. Did you hear the evidence given by the two serjeants of the household troops just now?—I did.

1856. Subject to modifications, do you think that the plan which they described as existing in their regiments would be a better plan to introduce among our regiments than that of introducing dispensers of medicines as commissioned officers?—Yes. I think the duty might be quite as well performed by non-commissioned officers as by commissioned officers.

1857. What do you think would be the feeling among the regimental officers at that proposed change?—I think they would be adverse to the dispensers being made commissioned officers.

1858. Do you think that the introduction of them as warrant officers would be satisfactory?—I think it would. I have no experience regarding the thing, but I should say that putting the dispensers in the position of staff-serjeant or warrant officer would be equally beneficial as making them commissioned officers.

1859. Do you think that in any regiment a private or corporal could be found qualified to dispense medicines?—I think so, in every regiment. There are many such men in my own regiment; I could find 12 or 13, or 14 men who were educated as chemists and druggists, who enlisted as such.

1860. Therefore the money that would be spent in the payment of those dispensers (or probably less) could be spent in getting the duty efficiently done, and at the same time giving encouragement to the soldiers?—Yes; it would be so.

1861. Are there any other points with regard to the relative position of the medical officers, and the entire executive officers, to which your attention has been directed?—I think not; I am not aware of any cause of dissatisfaction at present existing amongst the medical officers of regiments.

1862. Mr. *Peel.*] Might not a class of dispensers sufficiently educated to receive commissions, relieve the assistant-surgeons of a portion of their duties?—Then I should prefer to see a second assistant-surgeon attached to each regiment.

1863. But supposing there was a difficulty in obtaining the full number of assistant-surgeons that might be required in such cases, you might supply that want to a certain extent by a class of dispensers sufficiently educated to receive commissions?—I scarcely think so; I should say that the education and training of a dispenser would not be sufficient to qualify him afterwards to become an assistant-surgeon of the regiment.

1864. Mr. *Percy.*] Do you think it would be proper to allow a dispenser who never had a surgical education to undertake the duties of assistant-surgeon?—No; I should say that a man in the position of a non-commissioned officer can dispense equally well as the present dispenser of the rank of commissioned officer.

1865. Mr. *Noel.*] You have in a cavalry regiment now one surgeon and an assistant-surgeon?—Yes.

1866. Would it not be very beneficial to the service to have a second assistant surgeon?—A second assistant-surgeon is very much wanted in cavalry regiments.

1867. Sir *J Trollope.*] Do you remember when there was a second assistant-surgeon in cavalry regiments?—Never in my time.

1868. Are you aware that formerly there was?—I believe there was formerly, but in my experience we never had more than one.

1869. Was that in consequence of the reduced strength of cavalry regiments? I presume so.

1870. Now their strength is greatly enlarged, you would require the services of a second?—It is very much more necessary now; but even with reduced strength I think a second was necessary.

1871. What is the present strength?—I think it is 600 men in the corps at present.

1872. You

Colonel *J. Douglas.*

26 May 1856.

1872. You have had no orders for reduction?—None whatever.

1873. Mr. *Noel.*] But even supposing it was reduced to the former establishment, you think a second assistant-surgeon would be necessary?—I think so, and if the old system is kept up of breaking up a regiment into separate detachments, an assistant-surgeon is the more necessary in a cavalry regiment, because on all field-days it is quite necessary to have a surgeon to go out.

1874. Do you think that the regimental surgeons are rather severely dealt with as to obtaining leave of absence in consequence of there being so few?—I think so.

1875. Is that one reason with you for wishing to have more, that they might be able to have more leave of absence?—I think it is very desirable that officers should occasionally have leave; it is very hard that the surgeon is always tied to his post.

1876. Sir *J. Trollope.*] In the case of a cavalry regiment, the regiment is frequently distributed about the country?—Very much so.

1877. Do not you find on such occasions disadvantage in having a reduced medical establishment?—Very much so, because in out-quarters where I have been in command I have found it necessary to have a civil practitioner, and consequently the country suffers in that way by having to pay private practitioners.

1878. You get from that class of practitioners persons not so conversant with the habits of soldiers?—Exactly so.

1879. And in fact the country is no gainer by the arrangement, because the expense probably is equal to that of an additional assistant-surgeon?—I do not know that. I think the arrangement is made very economically. He is paid according to the number of men. He takes the detachment at so much per head.

1880. Mr. *Percy.*] Does he find medicines?—No; a proportion of the medicines is sent to the detachment, and there is a non-commissioned officer told off belonging to that detachment who dispenses those medicines under the supervision of the civil practitioner.

1881. Sir *J. Ferguson.*] Do you find that the assistant-surgeon's pay is sufficient to allow them to mess with the regiment?—All our assistant-surgeons are sufficiently well off to mess with the regiment.

1882. Mr. *Noel.*] But if they have no private means of their own, could they do it?—They could not.

1883. Sir *J. Ferguson.*] Would not it probably be the case that a dispenser appointed with the pay of an ensign would be unable to keep up his position?—He could not possibly live at the mess unless he had some private means.

1884. And if he was brought up as a chemist's apprentice he would probably not be fit to asssociate with the officers?—I should say it would be putting him in a false position altogether.

1885. Sir *H. Davie.*] Do you apprehend that in your regiment you would be sure of always being able to put your hand upon a corporal or serjeant who would be fit to dispense medicines?—Not exactly at the moment, but in a short time. You might always select an educated man in a regiment, especially a regiment of cavalry, that would be soon able to dispense medicines.

1886. And in the meantime no inconvenience would be felt?—No; because the order of the army is for the surgeon to dispense his own medicines; and in fact he is not allowed to have any one to do it for him. He would do the work till the person was sufficiently trained.

1887. That regulation of the army you consider to be a regulation that is supposed to be obeyed; do you consider that, practically, it can be obeyed?—I do not think it is strictly obeyed. I believe the hospital serjeant very frequently dispenses the medicines.

Major-General Sir *George Buller,* K. C. B., called in; and Examined.

Major-General Sir *G. Buller,* K. C. B.

1888. *Chairman.*] YOU were in the Crimea?—I was.

1889. And at the Cape?—I was.

1890. You have heard the evidence given before this Committee by the serjeants in the Household regiments?—I have.

1891. Are you of opinion that the practice at present pursued in those hospitals, of having hospital serjeants and dispensers, could be extended with

Major-General Sir *G. Buller*, K. C. B.

26 May 1856.

advantage to other regiments?—I think so, certainly; a hospital serjeant is quite sufficient for performing those duties; it does not need a commissioned officer.

1892. It has been stated in evidence that it was intended to appoint a set of dispensers in hospitals who should rank as commissioned officers; do you think that would be desirable?—No; I think they should not rank as commissioned officers; they might rank as warrant officers, not as officers living at the mess. It would not be desirable for the dispenser himself; if he was to live at the mess it would be highly objectionable.

1893. Mr. *Percy*.] You would not wish them to be commissioned officers?—Certainly not; I hardly think the man himself would wish it; it would be taking him from his own duty, which is in the hospital, and putting him at the mess; I think he would be in a false position; I do not think it would make him comfortable.

1894. *Chairman*.] You think it would be a false position with regard to himself?—Yes, and also with regard to his duties; the hospital serjeant must be constantly there; the assistant-surgeon may be away at his mess. I would appoint the dispenser as a warrant officer, in the same position as the schoolmaster-serjeant. He is a warrant officer with a certain position and certain advantages, and he takes rank before all the non-commissioned officers of the regiment. He is in a respectable position; but if you take him from that position, and put him to a mess-table, you would put him in a false position.

1895. Mr. *Percy*.] Do you think it would be satisfactory to the assistant-surgeon to find a man of the rank of a dispenser placed in the same position as himself with regard to pay?—Hardly so; but it would be a great advantage to have a man in whom you had perfect confidence, in the hospital to dispense properly.

1896. *Chairman*.] There are advantages of increased pay held out to those serjeants?—They get increased pay; I never found the slightest difficulty in finding non-commissioned officers, who have done the duty admirably; the office is always sought for. If you find an intelligent corporal you make him a serjeant, and you give him better pay; it is always liked; it is popular in the regiment, and they soon learn the duty; but it is not admitted in all regiments that the hospital serjeant should mix up the medicines; it is the duty of the surgeon and the assistant-surgeon to mix up all his medicines; but then the hospital serjeant takes care that they are duly administered.

1897. Is it not sometimes impossible, from press of duty, in practice for the assistant-surgeon to mix up all the medicines?—Yes, I think, certainly; but the hospital medicines are so simple that it becomes very easy for the hospital serjeant to do it; but that is not the general rule.

1898. It is rather connived at than sanctioned?—Yes; the staff of an hospital is very inefficient in the army; and anything that you can do to remedy that is very desirable; it is far too limited: if you have 20 patients in the hospital, they allow an hospital attendant for each ten. But supposing you have 21 or 22 extremely difficult cases, they do not allow an extra attendant till you get 10 more; and you may have a case of a dreadful fracture, or a dreadful wound, but you cannot get an extra attendant. You may have extra attendants, but they are not paid.

1899. *Chairman*.] We have introduced a set of civilians, orderlies, into our hospitals now: have you had any experience of the working of that plan?—No. I came from the Crimea at the end of May. I do not think that in any of the regiments under my command they had been introduced. There was a very efficient medical staff eventually in the Crimea, because they gave an extra assistant-surgeon in every regiment in the Crimea.

1900. Were the orderlies at the discretion of the commanding officer?—No; they were not paid beyond a certain number.

1901. Would you give pay to more orderlies, or would you have civilians introduced as orderlies?—That is a difficult question. I do not see why a soldier should not be made a good orderly; a civilian would then be under martial law, I suppose. You may have extra men for the hospital, but I think they are better as enlisted soldiers.

1902. Do you think that the difficulty would be met by additional pay to two more orderlies?—Yes; the surgeon would not find a difficulty in getting men to attend.

1903. But

Major-General Sir *G. Buller*, K. C. B.

26 May 1856.

1903. But it would thin the ranks of the army?—No doubt, if you increase the establishment, it would.

1904. Mr. *Peel.*] The paid portion of the orderlies are permanently attached to the hospital?—They are permanently attached, depending upon conduct. It is difficult often to get the sort of man that is useful in an hospital.

1905. *Chairman.*] Is it regarded as a punishment to be turned off as orderly and sent back to the regiment?—Yes; inasmuch as he would be sent off probably for misconduct; men often seek it themselves. Sometimes it is difficult to get a man to hold it.

1906. That difficulty would be met by an increase of pay?—Yes. It is a very important duty. I believe an increase of pay would be often an increase of respectability.

1907. Do you think that on the whole the relative position of the medical officers, and of the executive officers, is satisfactory in the regiment?—I think it is, as far as my experience goes.

1908. Do you think there are enough medical officers in proportion to the strength of the various regiments?—The present strength is a surgeon, and two assistant-surgeons. I think a surgeon, and two assistant-surgeons would be ample, if that is to be the future strength.

1909. You think that is not too much?—I do not think it is.

1910. Do you think, from your experience, that the medical officers have too much difficulty in obtaining leave?—There is a difficulty, generally speaking. A medical officer is attached to his profession, and does not absolutely require leave; but I think it is quite essential that they should have leave; and the difficulty would be easily obviated by having an extra assistant-surgeon.

1911. Sir *H. Davie.*] You have had a great deal of experience as commander of a regiment?—I have commanded 13 years.

1912. During that time, have you found inconvenience arising on home service from having only one assistant-surgeon?—I cannot say that I have; but I think it would be much more effective to have one surgeon and two assistant-surgeons to a regiment.

1913. At any rate, the having only one assistant-surgeon, made it almost impossible to give leave of absence?—Yes; and for men coming home from service, like that of the Cape, it was very severe duty; I could mention some very severe cases indeed.

Veneris, 30° die Maii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Sir James Ferguson.
Mr. Percy.	Mr. Cornwall Legh.
Sir John Trollope.	Colonel North.
Sir John Hanmer.	Sir Henry Davie.
Mr. Bellew.	Mr. Peel.

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

Colonel Lord *West*, late of the 21st Fusiliers, called in; and Examined.

Colonel Lord *West*.

30 May 1856.

1914. *Chairman.*] YOU were in the Crimea?—I was.

1915. Will your Lordship state the period of your leaving England on military service?—We left on the 14th of August 1854.

1916. Did your regiment proceed immediately to the Crimea?—We proceeded direct to the Crimea, without landing at Varna or any intermediate part.

Colonel Lord *West*.

30 May 1856.

1917. What number of troops had you on board?—Only the regiment to which I belonged, the 21st Fusileers; we formed part of Lord Cathcart's Division, the Fourth Division, which was only sent out just previously to the expedition going to the Crimea.

1918. Were you with your regiment at the disembarcation?—Yes; I landed with them on the 14th of September. I was there during the whole operations of the siege, and proceeded with them to Kinburn, and left the heights of Sebastopol on the 14th of November last.

1919. Not having had leave once previously?—No; I was in command of the regiment from the 17th of November till the 6th of August, and then there was a short interval of about a fortnight, in which the senior lieutenant-colonel took the command. I took the command again about the end of August.

1920. During the time you were in the Crimea, were any communications made to you from the Commissioners sent out to inquire into the state of the British hospitals?—Yes; a paper of written queries was sent round to all the commanding officers to answer.

1921. The answers that they gave appear in the blue book?—In the Report which is drawn up.

1922. Have you seen any reasons to modify or alter the statements that you then made?—None whatever; I adhere to every statement that I made in that Report.

1923. With regard to the health of the troops generally, may it not depend very much upon other circumstances beyond the skill of the medical officer?—Certainly, overwork or hard duty, or the want of proper food, for which the medical officer is not always responsible.

1924. In your experience did you find that to be the case in the Crimea?—Very much. I do not consider the medical officers in any way responsible for the great sickness that prevailed in the Crimea.

1925. No medical skill could have availed against those causes to which you have just alluded?—I think not, with such a deficiency of all proper appliances, medical comforts, and medicines.

1926. Did the staff surgeon or inspector often visit the hospital?—I should say at the commencement of the winter he did not so often as he ought to have done; and I made a report upon that very point.

1927. To whom did you make that report?—To the assistant adjutant-general of the division; and I requested that he would forward it to the general commanding the division, to be sent to Dr. Hall.

1928. That was an official communication?—That was an official communication.

1929. Of which probably a record would be found?—It was not answered; I received no answer to it.

1930. Is it usual in the case of communications of that kind to receive no answer?—It may have been mislaid. I did not follow it up. Before sending it I showed it to the surgeon of my regiment, and told him that it was my intention to send it. But at that time I was much more satisfied with the state of the hospital than I had been before. The report which I sent alluded to previous occurrences. At the time I sent the report I was better satisfied with the state and condition of the regimental hospital, but I wished to draw the attention of the authorities to what had been the case during the earlier period.

1931. Was the improvement owing to any suggestions of your own, or to the individual medical officer who visited the hospital?—I ascribe the improvement to the more constant visits and supervision of the staff surgeon; and a different inspector had assumed the charge of the division.

1932. Who was the medical officer attached to your regiment?—Dr. Mackinnon, whose unremitting exertions deserve the highest praise.

1933. Did Dr. Mackinnon make any report or give any answer to the questions?—He answered the questions that were sent round by that Commission. The same set of queries were sent to the surgeon as well as to the commanding officer.

1934. Did you look over Dr. Mackinnon's answer?—I did. They were sent to me. I coincided entirely in them.

1935. They were sent to you before they were forwarded to the Commission?—Dr. Mackinnon submitted them to me, and I concurred with him in every point.

1936. At what date did you find the improvement in the system of inspection commence?—I cannot precisely recollect the date, but I think about the end of January.

1937. Can you give any instances in which the staff surgeon or inspector became more minute in their inspection; for instance, was there any improvement with regard to the inspection of personal cleanliness?—I think there was; after this staff surgeon had charge of the division, I think he paid more attention to the details of the hospital, and he examined the patients more as to their personal cleanliness, and went through the hospitals more minutely than his predecessor had done.

1938. Did the medical officers seem to you to have a sufficient degree of authority?—In that official letter which I sent, I stated that it appeared to me that they had not.

1939. That was a fault of the arrangement of the service, not of the individual?—So I concluded.

1940. Can you explain to the Committee what you mean by their not having "a sufficient degree of authority;" do you mean that they gave suggestions rather than orders?—Those are the terms I made use of; I casually overheard conversations between the staff surgeon, the surgeon, and the assistant-surgeon, which impressed me with the idea that they did not possess that degree of authority which they ought to have; I noted those observations down, and submitted them in this official letter.

1941. But you are unable to say whether it was their fault or that of the service arrangements, inasmuch as you had no answer to the letter?—I had no answer to the letter, but I was told that if greater strictness of control was exercised over the assistant-surgeons, for instance, they would leave the service, and therefore I considered that it was a defect in the medical system generally if such could be the case.

1942. Do you think that the relative position of the surgeons and assistant-surgeons is satisfactory?—I think, on the whole, it was, though I found fault with the absence of control and authority on the part of the surgeon over his assistant in this respect. I asked him why he had not put in the orders that the assistant-surgeon should be the orderly officer of the week at the hospital? He said he was competent to do it, but he rather appealed to me to exercise that authority which I considered he ought to have done himself.

1943. You could have enforced it?—I could have enforced it, undoubtedly, but I considered that such an interference with the duties of the hospital came with an ill grace from the commanding officer, and had no good effect. I would sooner report any shortcomings, upon those points than enforce my authority as commanding officer.

1944. Have you come to that conclusion from having seen evil arise from colonels sometimes enforcing their authority with reference to hospital duties?—I have. I conceived it better to report to the superior medical officer those deficiencies or shortcomings, than to remedy them by any exercise of authority myself.

1945. Then the Committee would gather from what you have stated that the superior medical ranks in the army have not that power or control over the inferior which you think desirable?—I think not.

1946. Did you perceive any difference in respect of zeal or attention between the assistant-surgeons, generally speaking, and the surgeons?—I must say, from my experience, that the assistant-surgeons do not evince that zeal and energy and devotion to their duty which they ought to exhibit. I think there is the same want of energy and zeal in that department that we so often find among the junior ranks of the other branches of the service, and that when the assistant-surgeons become surgeons they become more aware of the responsibility of their different duties and pay greater attention, and show more perseverance and energy; but that while they are in the inferior grades of the service they do not exhibit that degree of zeal which they ought to do.

1947. Did you hear sometimes of their intention to leave the service in the event of a certain course of conduct being pursued towards them?—I did; that they would do so, if such and such duties were enforced.

1948. Mr. *Peel*.] What class of duties did they refer to?—To the superintending the distribution of medical comforts to the sick; I conceived that the assistant-surgeon should be present when the wine and other medical

Colonel Lord *West.*

30 May 1856.

comforts were given out to the patients and see it done, otherwise there was no guarantee of the patient getting it.

1949. Was not that part of the regular duties of the assistant-surgeons?—I fancy that they did not do it; whether it is according to the regulations that they should, I am not prepared to say; but I repeatedly ascertained that they did not do it regularly, as they ought to do.

1950. *Chairman.*] It was probably almost the only way of securing the wine reaching the patient?—So it struck me; otherwise there might be waste and misappropriation of what was intended for the sick.

1951. Do you think that you can always depend upon the report of the sick in the hospital as against the orderly or the hospital serjeant?—Certainly not.

1952. Will you state why not?—Because the hospital serjeant has the power to exercise a species of terrorism over the patient; such a terrorism that when the commanding officer visits the hospital the sick patients will never report any grievance under which they may be suffering or labouring.

1953. Mr. *Peel.*] Do you think that a better class of persons should be appointed to do the duty now done by the hospital serjeant?—I think greater inducement should be held out to the hospital serjeant to continue in his post.

1954. *Chairman.*] Had you ever to change the hospital serjeants?—I had, when the number of sick was at its greatest height. An hospital serjeant who had been a colour serjeant, and had been allowed to resign his colours to assume the post of hospital serjeant, wished again to quit the duties of the hospital, saying that his scale of pay was not equal to the exertions he was obliged to make, and that other non-commissioned officers were being promoted over his head, and that he wished to give up the situation. To this I objected, because I could find no other individual to put in his place, and I threatened him with bringing him to a court martial and reducing him to the ranks if he neglected his duties; but I found still that the duties of the hospital were not carried on to the satisfaction of the surgeon, and in the end I appointed another man to succeed him. This, of course, occasioned great inconvenience.

1955. That might be remedied by more liberal pay?—By placing the hospital serjeant on the footing of a staff serjeant, and giving him a higher rate of pay.

1956. Colonel *North.*] What are the relative rates of pay of an hospital serjeant and a colour serjeant?—An hospital serjeant receives 1*s.* 10*d.* a day, and after 10 years' service he receives 2*s.* 4*d.*, which is the pay of a colour serjeant.

1957. The hospital serjeant has nothing more than the pay of a serjeant for the first 10 years?—Nothing but the pay of a serjeant; in the Crimea, I think, they had an extra allowance, as hospital serjeant, of 4*d.* per diem.

1958. Sir *John Trollope.*] Does it not tell upon the rate of pension also; does not an hospital serjeant, if he is discharged from the army as such, receive a lower rate of pension than he would have received if he had continued as a colour serjeant?—I am not able to answer that question at the moment.

1959. Sir *Henry Davie.*] You would put the hospital serjeant on the footing of the quartermaster-serjeant?—Yes, who gets 2*s.* 6*d.* a day.

1960. Colonel *North.*] His duties are incessant in the hospital?—Incessant; in fact they were overwhelming during the height of the sickness in the Crimea.

1961. *Chairman.*] Any difference, you think, should be in favour of the hospital serjeant?—Decidedly; I think the labours required of the hospital serjeant serving in the field are much greater.

1962. Mr. *Peel.*] Would you give the hospital serjeant a higher position and higher pay than the serjeant-major and the quartermaster-serjeant of the regiment?—I would put him on the same footing as the quartermaster-serjeant, which would meet all the requirements.

1963. *Chairman.*] What were the arrangements for orderlies in your regiment?—The prescribed number of orderlies was one for every 10 patients.

1964. Supposing there were 10 for 100 patients, would one go back to military duty when there were only 90 patients?—According to the regulation, he ought. But I always allowed a greater number than the regulation; I found it absolutely necessary. I was obliged, by the arrangements which were made, to give the surgeon a greater number of orderlies than the regulation allowed;

I gave

I gave the surgeon as many as he asked for consistently with my duty as commanding officer.

1965. How did you select those men?—They were selected generally by the hospital serjeant.

1966. Were they selected as being the most fit for hospital duty or as being the least fit for military duty?—Latterly the physically strongest men were selected, the duties were so severe. Much as I objected to part with able-bodied men, still I considered the duties of the hospital so important that I gave any man that was required.

1967. Colonel *North*.] Did the hospital orderly get extra pay?—Yes; latterly he got 4 *d*. a day, and free rations.

1968. Mr. *Bellew*.] You spoke of your difficulty in finding men to do the duty of hospital serjeants; do you think it would be advisable to have a class created in the army from which you might draw hospital serjeants, as is the case in the Indian army?—It strikes me that if the hospital serjeants were placed on a proper footing in respect to pay and allowances men, fit to perform all the duties could be found in the army.

1969. Mr. *Peel*.] Are you aware that an hospital staff corps has been formed for the purpose of superseding the orderly attendance in military hospitals?—I heard so; that was after my departure from the Crimea.

1970. *Chairman*.] You had the power to recal the orderlies to the ranks?—I could have done so; but without the representation of the surgeon I never interfered.

1971. Is it in the power of the colonel of a regiment to call as many orderlies as he pleases at any moment from the regimental hospital to the ranks?—Certainly.

1972. Is there any appeal in the event of his giving less than 10 to every 100 men?—The surgeon had the power of appeal to the inspector-general of the army in the Crimea, or he would forward his representation in the first instance to the deputy inspector of the division, to be submitted to Dr. Hall. The surgeon has the power of corresponding directly with the inspector-general.

1973. Is the colonel of a regiment under any control from the director-general out there?—I apprehend that, on receiving the remonstrance of the surgeon, the inspector-general would forward a remonstrance to the Commander-in-chief, and that the commanding officer would be ordered by the general of the division to attend to the representation of the surgeon.

1974. While you were in the Crimea, there was no set of orderlies independent of the commanding officer of the regiment, and entirely under medical control?—No, there was none.

1975. Did you find, from your experience of your own hospital, the system of requisition to be inconveniently cumbrous?—Great difficulties prevailed in consequence of the various channels through which the requisitions were sent.

1976. Do you think that those difficulties were owing to the system itself, or to the manner in which it was worked?—It appeared to me, when I first landed, that there was no code of instructions as to the particular channel through which the requisitions for certain articles should be sent.

1977. Were those articles important articles?—I recollect in the case of carriage, where a mule or a pony was required on landing in the Crimea for conveying the hospital panniers; in the first instance, the requisition was taken to the commanding officer, and sent direct to the Commissariat; that was found to be wrong. The requisition had to be altered, and it was then sent, I think, to the inspector-general, and by him sent to Lord Raglan. Great confusion prevailed, owing to the want of proper instructions as to the different channels through which those different requisitions should be sent.

1978. Mr. *Peel*.] That was a requisition for transport; but in case of a requisition for medical supplies of any sort, what were the formalities observed?—All those were ascertained and laid down, though they are always rather circuitous.

1979. *Chairman*.] In the case of an indent for straw for the patients to lie on, what was the course pursued?—That was made through two different channels; first it was made direct to the Commissariat, and afterwards it was made through the Quartermaster-general's department; but in the end none was obtained. When it failed in one channel, hopes were entertained that it might be pro-

Colonel Lord *West*.

30 May 1856.

cured in another; every variety of means and methods were tried to obtain what was necessary, but without success as regards the straw; none was procured.

1980. Mr. *Peel*.] That was owing, not to the circuitous course taken by the requisition, but to the circumstance that the commissary-general had no straw to give?—It was owing to the deficiency, I take it.

1981. *Chairman*.] As no straw was procurable, what mattresses had the patients to lie on?—None; they never had mattresses of straw during the winter; all the evidence that has been taken shows that the patients were lying on the wet, muddy floors in the tents.

1982. Whatever might have been the theory of the administration, the practical result was that the sick men had to lie on the bare ground?—Yes.

1983. Do you think that the Medical Board was not constructed on a basis of sufficient authority and independence?—That is a question which I am not prepared to answer. Judging from the results, it appeared to me to be so; I can only speak of the results. I am not sufficiently acquainted with the working of the Medical Board, or with its constitution, to speak upon that point.

1984. Colonel *North*.] Was it the same throughout the whole army as to the supply of straw; were the men obliged to lie on the ground?—I believe so.

1985. *Chairman*.] Was your attention called to the arrangements made for a supply of medical drugs and comforts to attend the regiment during its march?—I have heard, indeed I know that one set of hospital panniers was provided for each regiment.

1986. Sir *John Trollope*.] When you landed from the "Golden Fleece" in September 1854, had you your entire equipment of medicines with you?—The entire equipment was on board some of the transports, but it was not landed; the hospital panniers only were landed.

1987. You landed from a ship called the "Golden Fleece," which took your regiment straight from England?—Yes.

1988. Had you not your medical supplies with you in the same vessel?—They were not landed. I am certain that an ample provision of supplies was on board some vessel or vessels, but it could not be landed; and had it been landed, it could not have been transported, because there was no carriage.

1989. When you marched across the country to the position in front of Sebastopol, did you take more than your two panniers?—Only the panniers.

1990. Mr. *Peel*.] Were the panniers on board the vessel from which the regiments was disembarked?—Yes, they were landed from the "Golden Fleece."

1991. Colonel *North*.] But there was no horse to carry it?—No horse was obtained at all. No public animal for the conveyance of medicines and medical stores was procured until the 4th of January; the panniers were brought in Sir George Cathcart's private cart.

1992. Sir *James Ferguson*.] Were there no animals assigned for the use of the hospitals?—None whatever.

1993. Not even the medical officer's riding horse?—No public animals of any kind for the use of the regiment were provided till the 4th of January.

1994. Was not it a rule of the service, that in all ordinary circumstances, an animal should be provided for the medical officer?—Generally an animal was indented for on landing, to carry the panniers; but it could not be obtained.

1995. That was the exception?—That was the exception; it was not procurable.

1996. Sir *John Trollope*.] Had you none on board the vessel?—None.

1997. Had you no means of procuring one?—None, except by using requisitions addressed to the Commissariat on landing.

1998. Then you had at landing no animals for the conveyance of baggage or stores?—Not for our division, because we never joined the army at Varna, and therefore I concluded no provision had been made.

1999. In fact, if Sir George Cathcart's cart had not carried the panniers, you would have had no medicines for the regiment?—None whatever.

2000. And you received no further supply of medicines till the month of January following?—I had no public animal to carry medicines or medical stores; but medicines of course were procurable from the different hospitals in Balaklava and from the stores of the division.

2001. Mr. *Peel*.] But even if Sir George Cathcart's cart had not been applied to

to the service of the hospital, it would not have followed that the panniers would not have been furnished to the regiment before the 4th of January?—If Sir George Cathcart's cart had not brought on the panniers, I imagine the panniers would not have been conveyed from the beach to the heights of Sebastopol; but after we got to the heights of Sebastopol to our standing camp, the same quantity of medicines or necessaries were served out to us that were served out to other regiments, though there was a great want of transport for the carriage of them from Balaklava.

2002. Mr. *Percy*.] It appears from the paper before me that the case of medical comforts which was placed in Sir George Cathcart's charge was destroyed?—Yes; the hospital panniers were brought on in a cart.

2003. *Chairman*.] What became of the men that fell out?—They were returned as missing; 29 men were unaccounted for that fell out during the march from the beach to the heights.

2004. Sir *James Ferguson*.] Had your division no means whatever of carrying the sick?—None, except 10 canvas bearers; they were carried by the bandsmen; but I only speak to what concerns my own regiment.

2005. *Chairman*.] Have you formed any opinion as to the present rate of pay of the medical officers of the army?—I think the pay of the surgeon is inadequate; and I think his rank, relative to military rank, is not what it should be. I think the surgeon should rank as major in the regiment, and have the same advantages as regards allowances and choice of quarters, and in other respects.

2006. Mr. *Peel*.] Does not a surgeon rank as major after a certain period of service as surgeon?—Not till he becomes a staff surgeon.

2007. Do you consider the pay of an assistant-surgeon sufficiently high?—I conceive it is as regards his position in the regiment.

2008. *Chairman*.] If he had the hope of a large prospective increase, probably he would be more content with his present pay?—I think a greater inducement should be held out to the assistant-surgeon as to the advantage that will follow from remaining in the service. The scale of pay which they begin with is sufficient, but I do not think the increase afterwards is such as to induce them to take any extraordinary interest in the duties of their profession.

2009. Mr. *Peel*.] Yet you stated that as soon as they become surgeons, even with the present advantages attached to their position, they become alive to the responsibilities upon them?—Certainly; I think their zeal and their attention to their duties increase with the increase of responsibility thrown upon them; but I do not think the position of the surgeons is such as it ought to be.

2010. Colonel *North*.] Would a surgeon have been allowed forage for a horse, if forage had been forthcoming?—Yes, but he was not allowed a bâtman. I allowed the surgeon a bâtman by favour and indulgence whenever I possibly could. I conceived that they ought to be put, as regards servants, in the same position as field officers. I made application for official sanction for this allowance for bâtmen, and it was refused. It was contrary to the regulations of the service.

2011. Mr. *Peel*.] Was not allowance for a servant issued to those surgeons in lieu of a soldier from the ranks?—Not that I am aware of.

2012. Were they not allowed 3*s*. a day for servant's allowance?—Not to my recollection.

2013. Mr. *Bellew*.] Are you aware that a stoppage was made against the surgeon for forage issued to him when there was no such stoppage against a field officer?—That applies to the cavalry only.

2014. Mr. *Percy*.] Supposing 3*s*. a day had been allowed to a surgeon for a servant, do you think 3*s*. would have been sufficient in the Crimea?—I do not; he could not have got a man to look after a horse for that rate of pay.

2015. Mr. *Peel*.] You said that you would recommend a higher relative rank for the surgeons in the army; would you approve of their being given substantive military rank?—I should not object to that; I think it would improve their social position in the regiment if they had the substantive rank of major.

2016. Colonel *North*.] If a surgeon had received the allowance for a servant, would he have had the greatest difficulty to have got a private servant to have done the duty?—I consider it impossible that he could have done so.

Colonel Lord *West*.

30 May 1856.

2017. *Chairman.*] There was no such thing as a private servant to be found that you could depend upon for the purpose?—No.

2018. Do you think it would be desirable to allow the surgeon the same privilege with regard to his horse as the mounted officers?—The same as a mounted officer, who is generally allowed two soldiers as servants, one for his in-door servant and another to look after his horse.

2019. Mr. *Percy.*] Do you recollect the sum paid by officers for civil servants in the Crimea?—I do not.

2020. Colonel *North.*] What is your opinion as to the amount of the hospital stoppages from the soldier's pay?—There were no stoppages in the Crimea.

2021. *Chairman.*] Do you think the medical officer has sufficient military power, or do you think he should be simply a civilian as he is at present?—I do not think he requires any more military authority than he has at present; of course he will always meet with the support of the commanding officer. Any recommendation that he makes as regards the punishment of orderlies and men attached to the hospitals, will always meet with the attention of the commanding officer, and he has the power, as an officer, of placing soldiers in confinement.

2022. Do you think that the medical discipline in regimental hospitals is sufficiently stringent now as between the patient, the orderlies, and the doctor?—I think so.

2023. But not as between the different grades of the medical profession?—It struck me so. I made that observation from circumstances that came under my notice. I think that if the condition of the medical officers was generally improved, and greater stringency of control exercised, the tie which binds them to the service would not be so slender as it is now, when, if they are discontented with the duties they have to perform, they threaten to resign.

2024. Mr. *Bellew.*] You stated that you thought that increased responsibility produced increased exertion generally; do not you think that if greater stringency and control were exercised by the surgeon over the assistant-surgeon it might have the effect of lessening the responsibility, and therefore of very much lessening the energy and interest with which the assistant-surgeon would work?—I think the assistant-surgeons are generally very young men, and require a great deal of looking after.

2025. You have probably seen in the medical service a considerable amount of jealousy always exist with respect to the interference of one medical man with another?—Yes; I believe the practice among the army surgeons is to give a certain number of patients to be treated entirely by the assistant-surgeon according to his own judgment, and not to interfere with him. That is an arrangement they make among themselves.

2026. Then it is not as to the treatment of the sick that you would recommend greater stringency, but as to the discipline and the hours of attendance?—Yes; only those points; the treatment of the sick is a matter with which I can have no acquaintance or familiarity.

2027. Mr. *Percy.*] Do medical officers get the same amount of leave of absence as other officers?—No; I think they are hardly used in that respect.

2028. *Chairman.*] The remedy would be to increase the number of their body; do you think that grievance is sufficiently serious to warrant such an increase?—I think that, on the whole, on foreign colonial service, the difficulty which exists of giving leave of absence to medical officers is a great grievance.

2029. Could it be remedied by the occasional admission of a civilian to do the duties of the regiment in the temporary absence of the surgeon?—No doubt it might; but that individual should be paid by the public, and not by the medical officer himself, as he now is.

2030. Colonel *North.*] Do you think that civilians are sufficiently up to the practices of soldiers to keep them in the same sort of order, and not to be easily imposed upon?—I think so.

2031. *Chairman.*] You think that the pecuniary part of the question is the only difficulty?—That is the only obstacle that presents itself to my mind at present.

2032. It has been stated to this Committee that the plan has been adopted of appointing dispensers of drugs as commissioned officers; do you think that would work well?—I think, as regards the individual himself, not; it would be making

making him pay the expenses of a position which he would find it difficult to maintain. As regards the discharge of his duties in the hospital, I am not competent to speak; I speak only as to his position in the regiment as an officer.

2033. And his intercourse with other officers?—Yes; I think he would be loaded with expenses which he could ill bear; I think his position would be an unenviable one among the officers of the regiment.

2034. Do you think it would be acceptable to them?—I think he would meet with the usual courtesy and civility, the same as any other officer would; but I think he would find his position a difficult one, and an unenviable one in every way.

2035. Mr. *Bellew.*] Are you aware that in cavalry regiments lately, even men enjoying the rank of captain have solicited to be allowed an exemption from dining at mess in consequence of the expense?—I know one instance in my own regiment of a captain who has risen from the ranks who was excused attendance at mess on account of the expense.

2036. Mr. *Percy.*] Do you think that an assistant at a druggist's shop would be likely to prove superior in trustworthiness to an hospital serjeant, who is a man in whom you have some confidence from previous knowledge of his character?—I should think the hospital serjeant, selected by the surgeon on account of his character and fitness, would be in every way as worthy of trust as a man taken from a druggist's shop.

2037. The assistant from a druggist's shop would be a young man?—He would be a young man, and I think the presumption is that the hospital serjeant would be the most trustworthy of the two.

2038. Mr. *Peel.*] But one would have had a regular training in medicine, the other would have had none at all?—Yes; the hospital serjeant would have had the training and discipline in the regiment; I take it that his professional training would be very easily given to him in the hospital, as regards mixing up and compounding medicine.

2039. Do you believe that the hospital serjeant, with the training such as he would be likely to get after being appointed hospital serjeant, would be able to read prescriptions and to compound medicines?—I believe the surgeons do not always write their prescriptions in Latin, and they might be very easily read; in fact, there are now many hospital serjeants that do make up the medicines in regimental hospitals; I believe it is the general practice.

2040. Sir *Henry Davie.*] Is it, in point of fact, a very common thing for the surgeons not to write their prescriptions in Latin?—In the army I believe it is.

2041. Mr. *Peel.*] Supposing an invalid in the hospital was to be poisoned through the medicines having been made up for him by the hospital serjeant, would not very heavy responsibility rest upon the surgeon for not having made up the medicine himself?—It would rest upon the surgeon himself; I believe he is responsible, and that he has to sign a certificate that he makes up all the medicines in the regiment; but it is almost impossible to comply literally with such a condition.

2042. Sir *Henry Davie.*] Is not it usual for surgeons to sign a certificate that they have mixed all the drugs themselves?—I believe so; I have read that in evidence.

2043. Supposing a surgeon to have the care of a regiment of 600 or 800 men, do you think it is possible that he should do that?—In time of peace he may, but I am certain he could not have done so in the Crimea.

2044. Colonel *North.*] With your opinion of hospital serjeants, do you see any great advantage in having those new officers, the dispensers, at increased expense, when the hospital serjeants with very little training would be able to make up the medicines?—Speaking as an officer commanding a regiment, I see none whatever; but as regards the medical requirements of the hospital, I am not prepared to speak.

2045. Mr. *Peel.*] Without reference to the question whether such officers should have a commission, do not you think it an advantage that there should be in the regiment a dispenser of medicine, specially trained to that duty, and qualified to compound medicines, instead of that duty being devolved upon an uneducated man like the hospital serjeant?—I have frequently heard surgeons say that it would be desirable to have the same sort of person that they have in the Indian army, a native apothecary.

2046. Mr. *Bellew.*] Are you aware that the native apothecary has only the

Colonel Lord *West*.

30 May 1856.

rank of a serjeant?—Yes; and I would give no higher rank to the dispensers in our service.

2047. Colonel *North*.] If the pay was the same to the dispenser as to the assistant surgeon, would you prefer to have another assistant surgeon rather than this new class of officers?—I would have an apothecary, not at the rate of 7 *s*. a day; I think an apothecary, if it was determined to create that class, could be obtained at a lower rate.

2048. Mr. *Peel*.] The rate of 7*s*. 6 *d*. a day to an assistant surgeon, without any prospect beyond that, would not be so attractive as the pay of 7 *s*. 6 *d*. as assistant surgeon, with the prospect of promotion to the highest ranks of the service?—Certainly not.

2049. Mr. *Bellew*.] If you can get men from among the soldiers and the non-commissioned officers who can perform the duty, does it appear to you desirable to introduce a new class of men specially for it?—No. I think it would be far preferable to obtain dispensers of medicines among the soldiers and non-commissioned officers of the regiment.

2050. *Chairman*.] Do not you think it desirable to make as many boons or prizes among the soldiers as possible?—Certainly. If the office of hospital serjeant ranked with a staff serjeant, it would be an object of emulation among the non-commissioned officers generally to attain that rank.

2051. And anything that adds to the rewards of the service, you think is desirable as an inducement to men to enter the profession?—Anything that tends to encourage a man to aspire to a higher position in the service is very desirable.

2052. Especially in a country where recruiting is voluntary?—Yes.

2053. Mr. *Peel*.] Do you consider that the hospital serjeants, such as they are now, are equal to the duties which have to be performed by the dispensers of medicine?—I think so; but I think the pay is not sufficient to induce them to retain the position. Their pay is lower than that of the colour-serjeants of the regiment. I think it ought to be higher.

2054. Sir *James Ferguson*.] Do not such duties as those of pay-serjeant or orderly clerk require quite as much intelligence as the dispensing of medicines?—They do; but I think both should be placed on an equal footing. Certainly, the hospital serjeant should not be placed in an inferior position to those now mentioned.

2055. Would not such men as are competent to fill the place of orderly clerk be quite competent to fill the place of hospital serjeant?—Yes; the hospital serjeants probably would be selected among those men who could read and write, and show superior intelligence to the non-commissioned officers generally, which the colour serjeants are supposed to do.

2056. *Chairman*.] No arrangements for the army could prevent a great deal of suffering in particular cases?—If you mean at the outset of a campaign, where long marches and rapid operations are frequently undertaken, they must entail a great deal of suffering and loss of life, no matter how perfect the army may be in all its equipments and supplies. Any rapid operations and long marches, undertaken at the outset of a campaign, must produce great loss of life and great harassment and sickness amongst the men.

2057. Can you give an illustration from your own experience?—I will mention as an illustration the Sikh campaign of 1845, the rapid march which we made from Umballah to Moodkee to meet the Sikhs. We out-marched the bazaars which usually accompany the Indian regiments, and the troops suffered a great deal from want of provisions, though there was an ample supply accompanying the army; but owing to the forced rapid marches which we made, those supplies could not keep up with us. It was an operation of emergency, which it was necessary to perform, and great suffering was entailed upon the army in consequence.

2058. Were the wounded left for a long time unattended to after the battle?—Not at that action, but at the battle of Ferozepore, subsequently, which was another instance. On the 21st of December in that year, 1845, the army was required to march from Moodkee to Ferozepore, a distance of eight miles, to attack the Sikh entrenched camp there. It was to be a surprize. All the baggage and the baggage animals, and supplies of all descriptions of medicines, were left behind at Moodkee. The army marched early in the morning, and commenced the action the folowing day at three o'clock, and bivouacked at night under the enemy's fire; and they recommenced the following morning, the

the 22d; in fact, we were fighting the whole day till the evening of the 22d; and during the whole of that time the wounded in the action of the previous day, and in the whole of that night, were lying on the ground, because there were no stretchers, and no means of carrying them; we had left all our baggage and all our other supplies behind. That was another case, showing that in such emergencies great loss and suffering must prevail.

2059. With no blame to anybody?—With no blame to anybody.

2060. Have you anything to suggest, founded upon your Indian and your Crimean experience, with regard to the relations between the medical and the commissariat branches of the service?—The only thing that strikes me is that I have often heard it remarked that the sick commissariat should be separated entirely from the commissariat of the army, and that there should be a quarter-master-general to superintend the transport of medicines and the conveyance of the stores and supplies of the hospital separate and distinct from the quarter-master-general of the army, whose duties are too onerous to allow him to attend to all that is thrown upon him. That is a remark that has struck me, and that I have often heard made.

2061. Mr. *Percy*.] Did the regulations of the Indian army strike you as superior to those of the British army?—I should say that a greater liberality appears to prevail in all the Indian departments in comparison with our own army.

2062. Is there a greater number of medical men attached to a regiment?—No; we had an extra assistant-surgeon in the Crimea most of the time.

2063. Did you observe at any time an insufficiency in the number of medical officers in the Crimea?—I cannot say that I did.

2064. Of course after an action there must be an insufficiency?—Yes; that is natural.

2065. Colonel *North*.] Had you any sort of portable amputation table on the field, or how were the operations performed?—I suppose they were performed on the ground, unless they could find a house in which to perform them; houses were found after the action of the Alma; but I take it, there was no portable table of any kind carried with the army as it marched from the beach; I was asked by the surgeon to allow the carpenter to make a table for him upon which to perform amputations, and it was some time before he could get the material for it.

2066. Have they not been performed on empty barrels, and other things?—Every shift and contrivance was resorted to in the absence of proper appliances.

2067. *Chairman*.] Have you ever had occasion to mention with approbation the conduct of any medical officer during any attack?—Yes; there was one occasion, the assault on the Redan on the 18th of June, when I particularly mentioned the conduct of two assistant-surgeons of the 57th Regiment.

2068. Do you recollect their names?—Their names were Assistant-surgeons Brady and Phelps, of the 57th Regiment; I made a special report of their conduct as being present under fire in the most advanced part of the trenches, in the fifth parallel, and rendering the greatest assistance in treating the men that were hit, by temporarily bandaging up their wounds, and getting them conveyed to the rear. I mentioned them in my report, with the names of other regimental officers who had distinguished themselves.

2069. Did the names of those regimental officers appear afterwards?—The names of those officers appeared in the public despatch, and the names of those assistant-surgeons did not appear.

2070. Do you think it desirable that names thus mentioned should appear in the public despatches?—I think it highly desirable that distinguished conduct on the part of a medical officer should meet with the same notice with which distinguished conduct on the part of any other officer meets.

2071. Mr. *Percy*.] Who had the power of omitting them from the despatch?—That I do not know; I believe their conduct was reported to the Director-general, and that they received an expression of approbation from the Director-general. Still the satisfaction to those officers was not the same as if their names had appeared with those of the other officers in the public despatch.

2072. Colonel *North*.] Was that report made to Lord Raglan?—My report was made to the general of division. His report enumerated all the officers I had mentioned, with the exception of the two assistant-surgeons. I was directed to make this report to Sir Henry Bentinck for his information.

Colonel Lord *West.*

30 May 1856.

2073. *Chairman.*] Your opinion is, that the executive and the medical officers so mentioned should be mentioned in the public despatches together?—It would be more satisfactory that their distinguished conduct should receive the same notice as that of the other officers. I think that the conduct of those two assistant-surgeons in treating the wounded under fire, in the advanced position which they took up, was as distinguished as that of any individual on that occasion.

George Russell Dartnell, Esq., called in; and Examined.

G. R. Dartnell, Esq.

2074. *Chairman.*] WILL you state your length of service in the Army Medical Department?—Thirty-six years next November.

2075. During that time what positions have you occupied?—All the ranks from assistant-surgeon to deputy inspector-general, staff as well as regimental.

2076. Have you seen any foreign service?—About 20 years.

2077. In what parts?—India, Ceylon, Canada, and the Mediterranean.

2078. How long were you in India?—I was in India and Ceylon about 11 years; five years in Ceylon and six in India; Canada nine years; the Mediterranean a short time only, a few months.

2079. Mr. *Peel.*] Was there any step of acting assistant-surgeon before the breaking out of the war?—Not that I am aware of; there was a rank below that of assistant-surgeon, that of Hospital Assistant.

2080. *Chairman.*] What is your present position?—I am principal medical officer of the garrison at Chatham.

2081. How long have you been principal medical officer of the garrison at Chatham?—Since the middle of February 1855.

2082. How many hospitals have you in charge?—Four; the general hospital at Fort Pitt, the general supplementary hospital at Brompton, the garrison hospital, and the Ordnance hospital.

2083. What is the greatest distance of any of those hospitals from your residence?—I suppose a mile and a quarter, probably.

2084. Can you tell the Committee the number of patients in those hospitals at present?—As a general average, about 800 in the four hospitals.

2085. Since the outbreak of the war?—Since I have been there, in the last year and a half. The number was 778 yesterday; in Fort Pitt upper hospital 126, in the Casemate lower hospital 152, Brompton 249, provisional battalion 276, and Ordnance corps 75; making in all 778. That is rather below the usual average.

2086. How many more would those hospitals be able to contain?—I think about 1400 altogether.

2087. Is that a larger number than you would wish to have there with reference to sanitary arrangements?—Yes; I think that number is too large.

2088. Do you think the number of cubic feet for each patient at present is sufficient?—No, I do not.

2089. Mr. *Peel.*] What is the allowance at present?—The present allowance is, I think, between 600 and 700 feet; but it varies in the different hospitals.

2090. In the hospital under your control, what is the allowance?—I think at Fort Pitt it is nearly 700. I think the garrison hospital is about the same. Brompton is less, and so is the Ordnance Hospital.

2091. What is the allowance in Brompton Hospital?—I have not had the wards all measured.

2092. What allowance would you recommend?—I should think it ought never to be less than 800, or probably 1,000.

2093. *Chairman.*] Brompton Hospital was not built for a hospital?—It is only a barrack.

2094. Mr. *Peel.*] You say that the whole number which those hospitals can accommodate is 1,400?—Yes; but they have never been filled to that extent.

2095. What is the allowance of space that each patient actually has, according to the number which those hospitals actually contain?—The numbers in the hospital vary. I cannot answer without calculating.

2096. According to the average number which the hospitals contain?—I think no patient ought to have less than 800 cubic feet. I have never calculated the average.

2097. Is it actually the case that the patients in those hospitals, since you have been in charge of them, have had at least 800 cubic feet of space?—Of course, where a ward is nearly empty, they have more; but supposing the ward to be full, they never have that amount.

2098. Mr. *Percy.*] Have you any species of artificial ventilation?—Yes, there are apertures in the ceiling.

2099. How often has it occurred, since you have been in charge of those hospitals, that the patients have had less cubic space than you would have recommended?—They have now, according to the appropriation, less; and they always have had less.

2100. Sir *James Ferguson.*] When the hospital is not filled to its utmost power, as it is now, do you spread the patients over the whole number of wards, or do you put them, up to the proper number, in a certain number of wards?—We generally distribute them over the hospital, so as to give the men as much space as possible. We found, some months ago, when the hospitals were rather crowded, that hospital gangrene showed some disposition to break out; and, in fact, it will invariably do so if the hospital is filled.

2101. *Chairman.*] You have had more than one outbreak of hospital gangrene at Fort Pitt?—Yes, and cases of erysipelas very frequently.

2102. Mr. *Bellew.*] Do you think the arrangements in the hospitals under your inspection tolerably perfect?—The buildings are all, except the garrison hospital, of an inferior description.

2103. *Chairman.*] Will you state the classification of patients in the different hospitals; what class of patients have you in the garrison hospital?—The garrison hospital and Ordnance hospital contain the sick of the effective force of the garrison.

2104. What patients are in the hospital of Fort Pitt?—They are invalids chiefly from foreign stations.

2105. Do not you generally put the Crimean soldiers in the Brompton Hospital?—Generally.

2106. Are there any except soldiers from the Crimea in the Brompton Hospital?—There are sometimes; not many at present, I think.

2107. The classification is, soldiers from foreign duty in Fort Pitt, and from the Crimea in Brompton?—Yes, generally.

2108. What do you put in the Casemate?—We put there venereal cases and ophthalmics, and sometimes convalescents, and lunatics always.

2109. Will you state what is found for the soldier in the general hospital now?—His food is found him, his bedding, and his medicine.

2110. What implements to eat or to drink with?—He has a cup to drink out of, and he has a plate.

2111. What are those composed of?—The cups are tin; some of them pewter.

2112. What is the plate?—Ordinary crockery ware; and his bedding and his sheets and counterpanes are also supplied him.

2113. Mr. *Percy.*] How many blankets?—As many as he requires; usually two.

2114. *Chairman.*] What is the bed composed of?—A hair mattress; straw for infectious cases, usually.

2115. How often is the linen washed?—The linen is washed weekly; it is changed whenever it is required; it is changed usually twice a week, but oftener if necessary.

2116. What is the pillow made of?—The bolster is hair; the pillows are feathers.

2117. Do you give a pillow case?—Yes, sometimes; not in all the hospitals.

2118. Is there in all cases a shelf over the bed?—There ought to be; but some of the hospitals are only temporary makeshifts.

2119. What has the soldier to find for himself in the general hospital?—He has to find his shirt, and he has to find his brush and comb; and, I think, his knife and fork and spoon.

2120. Is there any flannel clothing found for him?—No; he has his own flannels.

2121. Do you find him slippers?—Yes.

G. R. Dartnell, Esq.

10 May 1856.

2122. Do you find him any dressing gown, any wrapper?—Yes; a gown and jacket and trowsers, and a cap.

2123. What is done with his kit?—His kit is put in the pack-store; it is taken charge of by the pack-store serjeant.

2124. Colonel *North.*] Do you think it would be advantageous if to each inmate in the hospital there was linen supplied for him to wear during the time he was in the hospital?—I think the soldier while he is in the hospital ought to be provided with personal linen.

2125. *Chairman.*] You do supply some personal linen?—Yes; where a man has no shirt, or where his shirt has gone to the wash, and he requires another, he is supplied by the hospital.

2126. In whose custody is that linen?—In custody of the purveyor, with a supply always in charge of the ward master.

2127. Colonel *North.*] Is that the practice also in regimental hospitals?—I am only speaking of general hospitals.

2128. *Chairman.*] How is the washing done in your hospital?—The bed linen, and the gowns, trowsers, waistcoats, and caps are washed by the barrack department by contract; shirts, and drawers, and stockings, and small things are washed under the purveyor in the hospital.

2129. What do you do in the case of linen, either bed linen or personal linen, that has been used during an infectious disorder?—If it is a straw bed it is destroyed, and articles of clothing are fumigated and washed.

2130. Who sees to the fumigation?—They are handed over to the purveyor.

2131. Is there any means of knowing medically whether they have been sufficiently fumigated?—No, I think not.

2132. Have you known any cases of illness to arise from the washing of the linen?—I have known some of the washermen infected by poisoned hands, but I have not known any other ill effects from it.

2133. In cases of linen used by small-pox or typhus patients?—I have not known any ill effects further than this has occurred to some of the washermen, that they have got inflammation of their hands.

2134. Have you ever had occasion to destroy the personal linen of soldiers?—I never did so, except the linen of some of the men who first arrived from the Crimea.

2135. Was that in consequence of the immense amount of vermin that there was in it?—Yes.

2136. Did you ever know soldiers from any other part of the world arrive in such a state as some of the Crimean soldiers?—Never.

2137. Colonel *North.*] Were they obliged to pay for the shirts that you gave them in their place?—No.

2138. Mr. *Percy.*] Do you speak of a recent period?—Last winter twelvemonth.

2139. *Chairman.*] Will you state the amount of hospital stoppages for soldiers in hospitals?—I believe it is at home 10 *d.* a day for every soldier, except the Crimean.

2140. Is there a difference between the stoppages of the Crimean soldiers and the stoppages of other soldiers?—It is 3½ *d.* only, I believe, for the Crimean.

2141. Colonel *North.*] Can you give an opinion whether you think the stoppage is too much or too little?—I think that 10 *d.* is too much.

2142. With regard to the cups that the soldiers use in the hospital, do you see any reason why they should not be like the plates, of crockery?—No, I see no objection; but they are more likely to be broken. They would be much better either of crockery or pewter than of tin.

2143. *Chairman.*] What is your position with reference to the commandant?—I am placed under him the same as other officers of the staff in the garrison.

2144. He is not merely commandant of the hospital?—No; he is commandant of the whole garrison; every one in the garrison is under his command.

2145. Has he the same inspection over the hospital as a regimental officer would have over a regimental hospital?—I think he has.

2146. Upon the average, how frequently his personal visits there?—I should

should say that he visits one or other of the hospitals once a week, or once a fortnight.

2147. How is the police management of the hospital provided for; is that entirely or mainly left to you?—If an orderly misconducts himself I report him to the commandant, and he is punished, if I think it necessary that he should be punished.

2148. How do you obtain your orderlies?—We did obtain them by requisition from the commandant.

2149. Do they vary with the number of patients in the hospital?—They have done so.

2150. Has the commandant the power of removing an orderly without consulting you?—I presume he has, but I do not suppose it is an authority that he would ever exercise.

2151. Mr. *Peel.*] Do you still obtain orderlies as you did before?—No, we do not.

2152. You are speaking, therefore, of circumstances which no longer exist?—Yes.

2153. Colonel *North.*] Who were the class that went out to the Crimea; what class of men were they?—Those that first went out were pensioners.

2154. Did they answer?—I can only speak from hearsay; I believe they did not, generally.

2155. Then you have now quite a different class of men?—Quite a different class of men.

2156. Mr. *Bellew.*] Formerly when a regiment shifted quarters and left Chatham, you lost the orderlies that you had before?—Yes.

2157. Colonel *North.*] You, of course, would prefer to have permanent orderlies?—Certainly, if they were good men.

2158. *Chairman.*] Is the hospital staff on probation under you?—Yes.

2159. What other probation have they besides that?—They have no other.

2160. Then their probation is under you?—While they are in the hospital; I have nothing to say to them out of the hospital.

2161. Have they any probation before coming to you?—They undergo training under the captains; they are drilled to march and salute.

2162. They have probably a private examination as to their acquirements?—I believe they have, as to reading, writing, and character.

2163. Is an hospital staff man, when he comes to you, previously enlisted into the corps?—He is enlisted into the corps before he comes to me.

2164. Have you the power to report against him?—Yes.

2165. Have you ever done so?—Several men have been reported for inefficiency and for misconduct, and several have been removed in consequence.

2166. Colonel *North.*] What became of them?—They have been dismissed, I believe.

2167. Are they enlisted soldiers?—They are enlisted soldiers.

2168. Sir *James Ferguson.*] They are enlisted solely for the purpose of the staff corps?—They are enlisted solely for hospital service.

2169. Mr. *Percy.*] What becomes of them after they are discharged?—I do not know; I hand them over to the staff captain.

2170. Then do they remain with him?—They remain with him unless they are men of bad character, and then they are tried by a court martial. But all men coming to Chatham undergo private instruction in the hospitals, and at the end of a fortnight they are examined by a Board and reported upon as to their efficiency, and if they are efficient they are drafted to the hospitals.

2171. Sir *James Ferguson.*] Do you prefer having men enlisted specifically for that service, rather than taking drilled soldiers and instructing them afterwards?—I should prefer drilled soldiers.

2172. *Chairman.*] Have you taken many Crimean soldiers into this corps?—I believe not.

2173. Do you think it would be a good plan to take soldiers slightly wounded, who might be unfit for military service, and employ them in this corps?—Yes, I think such men might be extremely useful.

2174. Colonel *North.*] Do they receive bounty on enlistment?—Yes.

2175. What pay do they receive?—The first class orderlies, 2 *s.*, and the second class, 1 *s.* 3 *d.*

G. R. Dartnell, Esq.

30 May 1856.

2176. Mr. *Bellew.*] Can you give us any idea of what examination takes place after the fortnight's instruction?—A number of orderlies are placed in the hospital, say 25; they are placed under an officer whose duty it is to instruct them.

2177. What is that officer?—A medical officer, a staff surgeon of the second class, or an assistant-surgeon; it is his duty to see that they are properly instructed both by the orderlies in the wards, as to their ward duties, and as to the application of bandages and tourniquets, and all those manipulations, and at the end of a fortnight they are brought before the Board of Examination, and the officer who has instructed them is examined, as well as the wardmasters and the orderlies, as to the proficiency of the different men.

2178. Who fixed the period of a fortnight?—It was the Director-general; but it rests with me in a great measure. Whenever I think they have been sufficiently instructed, I order the Board. Sometimes men have been three weeks or more.

2179. You have now on the hospital staff corps some men of the Line?—A few, I believe.

2180. Is there any jealousy between the two classes?—I think there is.

2181. From what cause?—From the others usurping the place of the men in the Line, and from their rather higher pay.

2182. Mr. *Percy.*] The duties of the orderlies are not difficult to perform?—Not at all difficult, but irksome and laborious.

2183. Mr. *Bellew.*] In the case of a man in the hospital not conducting himself to your satisfaction, and your sending him from the hospital to the depôt, without his conduct being such as to merit a court martial, what does that man become?—I hand him over to the depôt, and get a better man in his place. What becomes of him afterwards I do not know; I suppose he is passed on to another hospital.

2184. *Chairman.*] Are the arrangements for the dress of the corps to your satisfaction, upon the whole?—I think the dress of the corps is very good, but the undress I think very objectionable.

2185. Why do you think it objectionable?—Because it is unsightly.

2186. What is it?—It is a common blue calico frock, a smock-frock.

2187. Do you mean resembling a butcher's dress?—Precisely.

2188. Colonel *North.*] What rank have they; what is the first class; are they a sort of non-commissioned officers?—No, they are simply better paid men; of course they are placed in a better position in charge of a ward.

2189. Is there more than one hospital serjeant in a general hospital?—Yes.

2190. Who is the head?—At a general hospital the hospital serjeant's duties are divided; there is the steward to do one portion of his duty, and wardmasters to do the other.

2191. What pay have the hospital serjeants in a general hospital?—They are generally old pensioned soldiers; I think the head wardmaster at Fort Pitt has 2*s.* a day, another 1*s.* 6*d.*, and another 9*d.* They are all underpaid.

2192. *Chairman.*] Do they consider it a boon?—Yes; but now they are to be superseded by the medical staff corps.

2193. Do you think it desirable to permit old soldiers to enlist as members of this medical staff corps?—I think some old soldiers would make very good orderlies.

2194. Mr. *Bellew.*] Are you aware that the pensioners that were sent out to the Crimea, for the purpose have turned out most unsatisfactorily?—I am aware of it; but there should be a proper selection.

2195. *Chairman.*] Will you state what is the official relation between the officer in your position and the barrack-master?—I do not exactly know that I can answer that question.

2196. What power have you over your own hospital as far as repairs are concerned?—I have no exact power; I cannot order anything to be done. I can represent that such a thing requires to be done, and remonstrate if not complied with.

2197. Is it in the discretion of the barrack-master to comply, or not?—No, I think not; I think he must comply, or submit it to higher authority.

2198. Take the smallest and commonest case; suppose a window-pane is broken, have you the power to send for a glazier to mend it?—No.

2199. What

2199. What do you do in case of a pane being broken?—I send an order to the purveyor to have it repaired; it goes from the purveyor to the barrack-master.

2200. What length of time does that take?—Sometimes it is done immediately; sometimes it is not done for a week or a fortnight, or longer.

2201. Then the barrack-master has the power to send for the glazier?—The barrack-master has the power to order it to be done. All minor repairs are done by the barrack-master; larger ones by the commanding engineer.

2202. Suppose you wished for a stove, you would apply to the barrack-master?—Yes; and the barrack-master applies to the commanding engineer.

2203. Colonel *North.*] Could not the purveyor to the barrack-master without being set in motion by yourself if he saw a pane of glass broken?—Certainly he could.

2204. *Chairman.*] But you are more frequently in the hospital than the purveyor?—He hardly ever goes into the hospital. If the wardmaster reports a pane of glass being broken to the purveyor, it is his duty to send a requisition.

2205. It need not necessarily go through you?—Not necessarily; if he reports it to me, I send the order to the purveyor.

2206. Colonel *North.*] Supposing a pane of glass remained for forty-eight hours without being put in, would you report the barrack-master for neglect?—Yes, if I thought it were wilfully neglected.

2207. Mr. *Cornwall Legh.*] You say that the barrack-master can get the repair done of his own accord?—Yes; he has the power to do those minor repairs.

2208. Sir *John Trollope.*] Is it not the fact that the building itself is in the charge of the barrack-master, and that he has the power to order all minor repairs, but he only refers to the engineer when alterations upon a larger scale are required?—Yes, I believe so.

2209. Mr. *Bellew.*] Is it not the fact that the barrack-master makes periodical inspections of the building?—Yes, and so does the engineer.

2210. Mr. *Peel.*] In fact, it is rather a relief to you not to be charged with such minor matters as that?—Certainly.

2211. Colonel *North.*] Does the barrack-master make official inspections of the building at stated periods?—Yes, it is put in the garrison orders; monthly inspections and quarterly inspections, at stated times and at stated hours. But it frequently happens that the repairs that are pointed out at those inspections are not made for a considerable time after.

2212. *Chairman.*] May not that delay be very injurious to the health of the patients?—Yes, I think it very often is; leakages and broken panes of glass of course may be injurious to patients.

2213. Is the building always in good order at Fort Pitt?—Not always; it is an old building, constantly requiring repairs.

2214. What is the interval between those periodical visits?—The barrack-master's visits are monthly; the commanding engineer's visits are quarterly. The commanding engineer frequently visits at other times; but his regular inspections are at those periods.

2215. What length of time have you ever known an important repair wait before it was done?—I cannot answer that question.

2216. Has it ever been so long as to cause any serious inconvenience?—Of course if I were to find that the repair was not made, and that either the building or the patients were suffering from it, I should represent it, and request that it might be done immediately.

2217. Mr. *Peel.*] But between the monthly and the quarterly inspections is the building altogether well looked after?—I think it is.

2218. *Chairman.*] Do you think that the chief medical officer ought to have more power over the building than he has at present?—I think it would be very desirable if he had the power of ordering panes of glass to be mended immediately, without going through so many channels.

2219. Mr. *Percy.*] Have you any steward at the hospital?—We have.

2220. Colonel *North.*] Have you ever known great delay in making necessary repairs occasioned by the barrack-master being away on leave of absence?—No; there is always a person to act for him.

G. R. Dartnell, Esq.

30 May 1856.

2221. Sir *John Trollope.*] What is your medical staff at Chatham now?—It is constantly varying.

2222. Will you state the ranks under you?—There are three staff surgeons of the first class.

2223. Any of the second class?—I have nine staff surgeons of the second class just now.

2224. Do you hold in your hand a return of your entire medical staff?—I do. I should observe that it is not a permanent staff; it is always fluctuating.

2225. But is this its present state?—Yes, it is.

2226. Will you have the goodness to read?—

[*The same was read, as follows:*]

STATE of the OFFICERS of the MEDICAL DEPARTMENT of *Chatham* on the 29th of May 1856.

DISTRIBUTION.	Staff Officers.					Regimental Officers.		Apothecary and Purveyor's Department.		
	Deputy Inspector-general.	Staff Surgeons, 1st Class.	Staff Surgeons, 2d Class.	Assistant and Acting Assistant Surgeons.	Hospital Dresser.	Surgeons.	Assistant Surgeons.	Acting Apothecary.	Purveyors.	Medical Clerks.
Fort Pitt Hospital	1	2*	3†	6‡	1	–	2	1	2	1
Brompton - ditto -	–	1	3	6§	–	–	–	–	–	–
Garrison - ditto -	–	–	2	3	–	1	3¶	–	–	–
Ordnance - ditto -	–	–	–	1	–	1	–	–	–	–
Invalid Depôt, St. Mary's	–	–	–	1	–	–	–	–	–	–
Gravesend and Tilbury	–	–	2‖	–	–	–	–	–	–	–
TOTAL	1	3	10	17	1	2	5	1	2	1

* 1 sick. † 1 on leave. ‡ 2 on leave. § 1 sick. ‖ 1 on leave. ¶ 1 Sick.

Fort Pitt, Chatham, 29 May 1856.

G. R. Dartnell, D. I. G., P. M. O.

2227. You have one dresser; is that enough for 800 men?—We never had a hospital dresser before; he does the duty of assistant-surgeon.

2228. You have regimental medical officers attached to your hospital also?—Yes.

2229. Are they gentlemen in the enjoyment of health, or are they sick?—Medical officers frequently come there in indifferent health, scarcely recovered.

2230. Are any of those gentlemen able to discharge hospital duties?—Some are, but some are in delicate health.

2231. You appear to have two surgeons and five assistant-surgeons who are regimental surgeons; are all those gentlemen doing duty in the hospitals?—Yes.

2232. You have one assistant-apothecary, two purveyors, and a medical clerk?—Yes.

2233. Mr. *Peel.*] Do you mean that they were sick when they were sent to do duty there?—No; some of them were in indifferent health when they came.

2234. Mr. *Percy.*] Do the assistant-surgeons do the duties of dressers and dispensers, and also make up the diet rolls?—They make up the diet rolls, and do the duty of dispensers; the medical officers fill in the diet rolls.

2235. Do they fill them up in the book?—They fill them up on sheets; there is a daily diet roll; the ward-master inserts the men's names, and the medical officer fills in the diets and extras.

2236. You have a daily card?—Yes; a bed-head ticket, with the man's disease upon it.

2237. Also his diet?—Yes; on the day of admission.

2238. Colonel

2238. Colonel *North.*] We have here seven regimental medical officers who are doing duty in the hospital, and who are not in perfect health; we have it in evidence that, generally speaking, at the end of two months' sick leave, if a medical officer is not fit to do duty, he is liable to be put on half-pay; is it the case that those gentlemen have been attached to Chatham in order that the time should not count against them?—I suppose it is; they frequently send officers in a state of health in which they ought not to be doing duty.

2239. Mr. *Peel.*] Are those regimental officers serving in the regimental hospitals, or in the garrison hospitals under your charge?—The two surgeons are in regimental hospitals. One is surgeon of the provisional battalion, and the other is a surgeon of the Artillery. The surgeon of the provisional battalion has been there some years.

2240. Sir *John Trollope.*] How long have you held your present appointment at Chatham?—Since February 1855.

2241. Were you in Bulgaria?—No.

2242. Were you not under orders for foreign service at one time?—Not since 1851 or 1852.

2243. Have you never been put in the roster for foreign service during the late war?—No.

2244. Have you at Chatham had any medical students sent to you as probationers expecting commissions as assistant-surgeons?—Since I have been principal medical officer at Chatham all medical officers on first joining the service have come as acting assistant-surgeons.

2245. Previously to their appointment to regiments?—Previously to their having permanent appointments, whether staff or regimental.

2246. Those gentlemen held no commissions during the time that they were with you?—No.

2247. Mr. *Peel.*] But they are appointed to regiments as acting assistant-surgeons?—Several of them have been sent abroad as acting assistant-surgeons, and as such may be temporarily attached to regiments.

2248. Mr. *Percy.*] Do you think that the medical duties are too heavy in the general hospital at Chatham as it is at present?—Not at present. At present, I think, we have nearly sufficient hands, if they were more permanent.

2249. Mr. *Bellew.*] You mentioned that doctors are sometimes sent to do duty at Chatham who are not in a good state of health; Dr. Andrew Smith mentioned the fact of his having sent Dr. Reade to Chatham; do you remember his coming?—He was at Chatham when I arrived.

2250. He was not in a good state of health?—I was not there when he arrived, but his health, I believe, was not very good.

2251. Subsequently were you satisfied with the way in which he discharged his duties at Chatham?—I am not dissatisfied with the way in which he performs his duties at Chatham. His hospital is in very good order.

2252. Sir *John Trollope.*] Is he under your command now?—He is.

2253. Mr. *Bellew.*] But your satisfaction did not amount to that point that you were induced to report him in terms of commendation to Dr. Smith?—No, I never recommended him, nor reported him in any way.

2254. *Chairman.*] With regard to the purveyors, do you, as principal medical officer at Chatham, think that their position is satisfactory?—I do not think it is very satisfactory.

2255. Will you state how you think it might be improved?—I have very little control over the purveyor. He considers himself almost entirely under the control of the War Office.

2256. You speak, of course, now not with regard to the individual, but to the system?—To the system.

2257. Do you find any practical inconvenience from that state of things?—I do.

2258. Can you give an illustration?—In making requisitions upon the purveyor, I require certain articles, and he will comply with them, provided the amount is not beyond a certain sum. If it involves more than a certain sum, he applies to the War Office for authority, and therefore delays frequently occur.

2259. Do you know what the sum is?—I think it is 5 *s.*, but I am not quite sure.

2260. It is something under 5 *l.*?—Yes, under 1 *l.*

G. R. Dartnell, Esq.

30 May 1856.

2261. Colonel *North.*] Do you mean that if disease broke out, and you sent a requisition for five times the number of basins that you usually require, you might have to wait some time for them?—No; in case of urgency I should insist upon his supplying them immediately, and take the responsibility upon myself; I do not think he could actually refuse it.

2262. Do you think it would be better if the surgeon had the power, when necessary, to send and buy what he wanted?—No, but I think it would be better if his authority for disbursement by the purveyor was less limited.

2263. Sir *John Trollope.*] If that is the case with regard to medical officers at home, do not you think that medical officers on foreign stations should have more power of ordering what they think necessary for the troops under their care than they have at present?—I think so.

2264. Do you think that the service suffers materially from the impediments thrown in the way of the medical officers obtaining the necessaries and supplies which they think requisite for the sick?—Yes, I am sure it does.

2265. In your opinion, as an experienced medical officer of the army, do you think it would be advisable to give the medical officer a certain discretion on his own responsibility with respect to such supplies?—I think it would, certainly.

2266. Is not the mode in which they obtain their supplies frequently very cumbersome, from the number of hands through which the surgeons have to obtain what they require for the sick?—I think it is rather so. It used to be more so than it is as present. I think some signatures have been dispensed with.

2267. *Chairman.*] Have you found latterly a more liberal system with regard to diet?—Yes.

2268. Since when?—Within the last 12 months.

2269. Are you now refused anything that you require for the patients in diet?—Nothing reasonable.

2270. Colonel *North.*] Are you ever obliged to substitute a medicine that you did not order, because you could not get the one that you wanted?—Yes, we sometimes do; but I do not think it would be absolutely necessary, situated as I am. If it were obtainable at the druggist's, and it was absolutely necessary, I should get it.

2271. *Chairman.*] You never, as a system, substitute cheaper medicines for more expensive ones; you never let considerations of expense enter into your prescriptions?—No, I think not.

2272. How long has the place which I saw on Wednesday been used as a military lunatic asylum?—I should say about nine or ten years. It is not a lunatic asylum; it is merely a ward for the care of those men till they are removed.

2273. Is there at present in England any other reception ward for military lunatics?—No.

2274. Mr. *Peel.*] Are you speaking of soldiers or of officers?—Soldiers.

2275. *Chairman.*] Do you think that place is well adapted for that purpose?—Very far from it.

2276. Do you think there could possibly be a worse place for the purpose?—Scarcely.

2277. Mr. *Percy.*] In what respects is it bad?—The wards are open: they are similar to those used for the other patients; there is no way of separating them from the other patients. The wards are in a casemated building, which is at the side of a hill, with deep terraces and flights of stone steps, so that it is very dangerous for the purpose.

2278. What is the kind of treatment they receive; is it humane treatment or severe?—Humane treatment.

2279. Mr. *Bellew.*] Are you aware that considerable improvements are contemplated by the Government in the hospitals under your charge, on the recommendation of a Committee which sat upon the subject, such as laying water to all the rooms, and building water-closets?—No; I do not know that they are contemplated.

2280. Sir *James Ferguson.*] Is there not a permanent lunatic asylum to which those military lunatics are removed?—No; there is a private asylum, to which some are removed.

2281. *Chairman.*]

2281. *Chairman.*] You have a lunatic asylum building?—There is a lunatic hospital now nearly ready for occupation.

2282. Mr. *Peel.*] How long, upon an average, do the soldiers remain at this lunatic hospital?—Some have been there for six or nine months.

2283. How are they disposed of eventually?—Some are sent home to their friends, some are sent to the asylum of the county to which they belong, and some of the old soldiers who have pensions are sent to a private asylum at Bow.

2284. *Chairman.*] Do you send any soldiers who have not pensions there?—I think not.

2285. Sir *James Ferguson.*] Do many accidents occur in the hospital from the lunatics being improperly confined?—Several lunatics have made their escape from the hospital into the town. One man, some time since, fell into the privy, and was very nearly suffocated.

2286. *Chairman.*] Did you take any steps after that accident happened to prevent a recurrence of it?—Yes; I had the privy covered in: before it was an open privy.

2287. Do you consider that the six months during which the lunatics are in this casemated reception ward are important months?—Highly important.

2288. Will you state why you consider so?—Because the cure of lunacy is in a great measure regulated by the length of time; that is, the longer a person labours under the disease, the less likely he is to recover from it.

2289. This was not always the only military reception ward for military lunatics, was it?—No; there was for several years a military asylum at Fort Clarence, close to Fort Pitt. That establishment was removed in 1844 to Shorncliffe, and from thence the establishment was removed to Yarmouth, in 1848, I think, and then in 1852 the establishment was broken up altogether; the officers were sent to an asylum in Staffordshire, and the men to Grove-hall Asylum, at Bow, near London.

2290. Mr. *Bellew.*] At present if any soldier becomes a lunatic, after a certain number of months' treatment, and does not show any signs of recovery, he is sent to Grove Hall?—He is sent to Grove Hall, if he is an old soldier with a pension.

2291. Mr. *Percy.*] Has any fever broken out amongst those lunatics?—No.

2292. *Chairman.*] Were you at Yarmouth at the military lunatic asylum there?—I was there two years.

2293. At what date?—I went there in September 1852, and left in September 1854.

2294. What system did you find there?—I found the restraint system.

2295. Were there any instruments of restraint used there?—There were several.

2296. Will you describe them?—There were straight waistcoats; there were handcuffs; there were hobbles for the feet and legs; there were waistbands, with chains and handcuffs attached to them; and there was what was called a strong chair, in which the man was locked in.

2297. Did you continue this system?—No, I did not; I abolished all the instruments of restraint.

2298. Did you find any ill effects follow that?—On the contrary, the very best effects.

2299. What other system did you substitute?—The system of supervision, and greater vigilance.

2300. How did you find the windows at Yarmouth?—The whole of the windows were protected by strong wire screens inside and out. I removed the whole of them; a few had been removed by my predecessor.

2301. Were the windows much broken?—The breakage of glass after the removal of those screens was considerably less than it had been before.

2302. Colonel *North.*] Were you able to give that order yourself, or were you obliged to go to some department to get it ordered?—No; I gave that order myself. I requested the engineer to do it, and he had it done.

2303. Did you try any methods of amusement for the lunatics?—Yes, I did.

2304. With satisfactory results?—With very satisfactory results.

2305. Why did you abandon your attempts?—I did not abandon them; the establishment was broken up.

G. R. Dartnell, Esq.

30 May 1856.

2306. Can you carry out such efforts in this casemate at Chatham?—No, certainly not.

2307. Is the nature of the place such as to prevent them altogether?—Yes.

2308. Would you be in favour of confining military lunatics to civil hospitals?—I think not.

2309. Will you state why not?—I think a military asylum would be more beneficial to the soldiers and to the service. I think that a soldier-lunatic would be better managed in a military asylum.

2310. In which asylum do you think that any attempt at malingering would be discovered soonest, in a military or a civil hospital?—I think in a military hospital.

2311. Do you think that, even in the insanity of soldiers, military discipline is of any use in preserving order?—I think it is of considerable use in giving them habits of order and regularity.

2312. Sir *John Trollope.*] Are those lunatics permanently kept in the casemates?—No; they are under observation till they can be disposed of.

2313. Where do you remove them to?—They are sent home to their friends if they are quiet, or to a county lunatic asylum, or to the private asylum at Bow.

2314. At the private asylum at Bow they are at the expense of the Government?—Yes.

2315. With regard to soldier-lunatics, do you find many curable cases owing to their being in the prime of life, and owing to the causes of their lunacy being of a temporary character, namely, habits of drunkenness and dissipation?—Yes; there are many cases favourable for recovery.

2316. Have you any statement of the cases of recovery?—No.

2317. Can you give any probable estimate of the numbers?—No, I cannot at present; they are not fairly placed with us now for cure; they are merely under observation, and it is in that way that valuable time is lost. In my opinion when a soldier becomes a lunatic, he should, as soon as possible, be placed in a proper asylum.

2318. Is it your opinion that all cases of lunacy require immediate and prompt treatment to ensure a chance of recovery?—Yes; I have stated the longer the interval, the less the chance of recovery.

2319. Have you any of those usual methods that are substituted for restraint, namely, places where the rooms are padded; where patients cannot injure themselves?—We have one padded room, but it is a mere make-shift; but in the new building we shall have two small padded rooms.

2320. Will that building be well able to contain a number of patients with safety?—Yes; with tolerable safety.

2321. How many?—I believe about 40.

2322. Is that sufficient?—I think so.

2323. *Chairman.*] How many have you in the casemates?—I think 40; we have had 50.

2324. Will you give an illustration of the way in which you think military discipline assists in the management of insane soldiers?—I found myself that a lunatic soldier, when receiving an order from a person in plain clothes, has disobeyed him, and said, "I do not know you; you are not an officer; I have nothing to say to you."

2325. Colonel *North.*] What was the reason that the lunatic hospital that you presided over at Yarmouth, was done away with?—The patients were removed from it because the buildings belonged to the Admiralty, and on the breaking out of the war, they required it for a naval hospital, for which it was originally built.

2326. Has it been used as such?—Never; there has never been a patient in it since, I believe.

2327. Sir *Henry Davie.*] Are the medical officers who have charge of the military lunatic hospitals gentlemen who have turned their attention particularly to the management of lunatics?—There is no lunatic hospital since the breaking up of that establishment at Yarmouth.

3328. Colonel *North.*] Do not you think it would be an advantage to have a regular asylum for insane soldiers?—Yes, I do, certainly.

2329. *Chairman.*]

2329. *Chairman.*] Are there any examinations for army surgeons in reference to the treatment of lunatics?—No, I think not.

2330. Do any of the army surgeons at all turn their attention to that branch of the profession?—No, I do not think they do; as long as the asylum at Yarmouth lasted, of course those who were appointed to it made a point of doing so.

2331. They learnt their profession after going there, and not before going there?—Yes.

2332. Therefore they entered that asylum wholly unacquainted with the treatment of lunatics?—Yes, except as far as their general knowledge went.

2333. What experimental knowledge could they have upon the subject?—Every medical man studies more or less the subject of insanity.

2334. In the examination through which an army surgeon has to pass before he is appointed, are any questions put as to the treatment of lunatics?—No; there is no examination, I believe, on this head.

2335. Do you know any members of the profession who have turned their attention to that branch of the subject in civil asylums?—I believe there have been a few.

2336. Mr. *Peel.*] You yourself must have had a strong feeling upon the subject?—Yes; I took great interest in it. I visited some civil asylums, and I read a good deal upon the subject.

2337. Sir *John Trollope.*] Since the whole subject of lunacy has been under inquiry, by the appointment of the Commissioners of Lunacy, is not it open to the profession generally to study the subject with great advantage, with the aid of the different reports and publications that are constantly brought before them?—Yes, certainly.

2338. In fact, there is a much more general knowledge of the subject in the profession than there used to be?—Yes, I think there is.

2339. Sir *James Ferguson.*] What number of lunatics were there in the military asylum at Yarmouth when it was broken up?—When it was broken up, I think there were 20 officers, and 75 men patients, and a few women.

2340. Was that a reduced number as compared with what had been there before?—Yes. I think, when I went there, there were 25 officers and about 90 men.

2341. Do you attribute that diminution to the altered treatment, or to the circumstance of so many not being sent?—I think it was owing to fewer admissions latterly.

2342. Colonel *North.*] Where are insane officers placed now at Chatham?—They are at an asylum at Stafford. There are none at Chatham.

2343. Is that a private asylum?—No; it is not a private asylum; it is a branch of the county asylum.

2344. Is it under military government?—No.

2345. Sir *Henry Davie.*] Is there any lunatic hospital for the Navy?—Yes, at Haslar.

2346. Colonel *North.*] Do you think that the pay and allowance in the army are such as to afford inducements to the best medical men to enter the profession?—I do not.

2347. You think the pay is too small?—I think it is too small, and the retirement.

2348. *Chairman.*] Do you think it is too small in all ranks, or would you raise it either in the upper or lower ranks?—I think it is too small in all ranks.

2349. Have you turned your attention sufficiently to the subject to be able to state what increase of pay you would recommend in the different ranks?—I do not think I have.

2350. Do you think the grades in the medical profession are satisfactory, or would you either increase them or diminish them?—I would have more officers of higher rank in the army; more inspectors, and deputy-inspectors.

2351. Colonel *North.*] How many superintending ranks are there at this moment?—There are three.

2352. *Chairman.*] Would you have more ranks?—No, I think not.

2353. Colonel *North.*] Would you increase the number of inspectors and deputy-inspectors?—Yes.

G. R. Dartnell, Esq.

30 May 1856.

2354. *Chairman.*] Is the manner in which the army medical profession is represented, in your opinion, always satisfactory?—No; I think it is under represented.

2355. Will you state what you mean?—I think that in many cases the principal medical officer has not a sufficient rank. For instance, at Aldershot, which is an important charge, the department is represented by a staff-surgeon only; I think he ought to be at least a deputy-inspector. I think Chatham also, where I am myself, ought to be represented by an inspector, that being a very important post.

2356. Have you made any application personally with regard to that?—I did not personally, but I did in writing.

2357. Both with regard to rank and pay?—With regard to the step of rank, in consequence of the increased duties and responsibility devolving upon me beyond what my predecessors ever had.

2358. In consequence of the war?—In consequence of the war.

2359. Colonel *North.*] Do you think it necessary, for the good working of the medical department, that the superintending medical officers should be of greater standing in the profession than the executive?—I do.

2360. For what reason?—I think that the having a junior superintending a senior gives rise to ill feeling and jealousy; you should expect more experience from a senior than from a junior.

2361. *Chairman.*] Would you have the promotion simply by seniority?—I think so, but I would rather decline to give an opinion.

2362. Colonel *North.*] Do you approve of the present mode of promotion; for instance, that if a death takes place on a station, the senior of that station is promoted, not the senior in rank in the whole department?—I think the senior in rank might get it.

2363. Might not the delay caused by his going from one station to another be an objection?—I do not think that a serious objection.

2364. But it is the rule at this moment, that the senior on the station is appointed?—That has generally been considered the rule.

2365. Mr. *Percy.*] Do you, as inspector, make confidential reports?—I do.

2366. You see no objection to them?—They are very unpleasant.

2367. But necessary?—I do not think they are absolutely necessary.

2368. *Chairman.*] Whether favourable or unfavourable, they are of necessity made?—They are.

2369. Are they periodical?—They ought to be periodical, but my duties are such, that I do not make them periodically or regularly, by any means.

2370. How frequent ought they to be, according to the rules of the service?—They ought to be fortnightly, according to the order of the Director-general.

2371. Fortnightly reports on the medical officers under your charge?—Yes; I have only given them on the juniors.

2372. Omitting the seniors?—Omitting the seniors.

2373. And that you have done with the toleration, if not the approval, of the Director-general?—I have not been found fault with.

2374. Have you occasion, sometimes, to correct former confidential reports by later, regarding different individuals?—I think I have. They are subject to very great fallacy, particularly with respect to junior officers. It is a very difficult thing to judge of a man's character and acquirements, on the short acquaintance I generally have with them.

2375. Have your confidential reports on the whole been rather more favourable or unfavourable as you became more acquainted with the subjects of those reports?—I think more favourable.

2376. Colonel *North.*] The usual period in the army for reports is half-yearly, after the half-yearly inspection?—Yes.

2377. Mr. *Bellew.*] Are you aware of the difference between the confidential reports made by you relative to those under your inspection, and the confidential reports made by the colonel of a regiment relative to the officers under his command?—I am not acquainted with the confidential reports of commanding officers.

2378. Do you think that a medical officer's promotion in the army could be stopped in consequence of the confidential reports being unfavourable, without the officer himself being aware of the fact?—I cannot answer that question.

2379. Without

2379. Without asking you to name any individual, has it ever come under your notice that such has been the case?—No, it has not; it might be, but it never has come under my notice.

2380. You are aware that in the army, whenever a confidential report is made sufficient to stop the promotion of an officer, that officer is always informed of it?—I believe it is the case.

2381. Such is not the general custom of the service in the medical department?—I am not aware.

2382. Are you aware that it is an unpopular thing amongst the medical officers?—I am.

2383. You stated that you would recommend an increase of the number of inspectors and deputy inspectors in the Army Medical Department. Would you recommend the doing away with staff surgeons?—I think that when the staff surgeon of the first class was originally appointed, it was intended that he should be an executive officer; I think that the administrative ranks ought to be from the inspectors and deputy inspectors, and that the staff surgeon should be an executive officer. The second class staff surgeon was intended to take the duties of assistant-surgeon.

2384. *Chairman.*] What do you think could be substituted for the confidential reports; do you think that anything else could be substituted with the view of keeping men to their duties?—I do not think so; but I am not prepared to give a decided opinion.

2385. I understood you to say that upon the whole you thought them necessary?—I do not know that they are necessary; they are very unpopular and very disagreeable to the persons who make them, and they are subject to very great fallacy, particularly with the junior officers.

2386. Mr. *Percy.*] You have the power of finding fault with the junior officers?—Yes, certainly.

2387. Would not that be preferable to sending confidential reports upon them?—I think it would, if they were only intended for "keeping men to their duty."

2388. *Chairman.*] Do you sometimes find fault without sending an adverse report?—Yes.

2389. Do you sometimes send an adverse confidential report without finding fault with the officer himself?—I do not know that I do.

2390. It is in the power of the principal medical officer to do so?—It is.

2391. But you have, from a sense of fairness and justice, never done it yourself?—I do not think I have.

2392. Does the confidential report regarding an officer relate to professional skill, and to habits of industry, and feelings of philanthropy, or does it relate to differences of opinion on the treatment of disease?—No; it refers to a man's general acquirements, his general ability, his general conduct and zeal, and his attention to his duties, or otherwise.

2393. There are a number of questions in medicine upon which a variety of opinions are entertained; if one of the officers under you entertains one opinion and you another, would that be the subject of a confidential report adverse to him?—No, certainly not.

2394. Have you the power, and having the power do you exercise it, of changing the treatment of disease in particular wards?—I have the power of doing it.

2395. Do you ever do it?—No, I do not; I may recommend a different system, a different plan of treatment.

2396. Mr. *Percy.*] Could you, for instance, forbid the use of chloroform in certain operations?—Yes, I could forbid it, certainly.

2397. Mr. *Bellew.*] But a recommendation is almost considered tantamount to an order?—Not in a case of that sort.

2398. For instance, with respect to the use of mercury in certain cases in the army, would not a recommendation be considered almost tantamount to an order?—Yes; but it does not necessarily follow that the officer would adopt the plan recommended.

2399. *Chairman.*] With regard to capital operations, have you the power of suspending them or of recommending them to take place at a particular time?—According to the regulations of the service, no capital operation can be performed

G. R. Dartnell, Esq.

30 May 1856.

formed in any hospital under my charge without my knowledge and consent, unless in a case of emergency.

2400. Mr. *Percy*.] Is an assistant-surgeon allowed to perform a capital operation?—Not generally; they do and must occasionally.

2401. *Chairman*.] Has a case of emergency recently occurred at Chatham?—There was one at Chatham a short time since; a man shot himself through the hand in the barrack-room.

2402. Was amputation immediate?—Amputation was immediate. It took place at night, and there was not time for consultation, and it was not thought necessary.

2403. It met with your approval?—Certainly.

2404. The responsibility which the particular operator took upon himself upon that occasion was approved by you?—Certainly.

2405. If it was the subject of a report at all, it would be the subject of a favourable one?—Certainly.

2406. Sir *John Trollope*.] Was it done by an assistant-surgeon?—No, it was done by the surgeon of the provisional battalion.

2407. A person perfectly competent to do the duty?—Yes, an officer of old standing and great experience in the service.

2408. Colonel *North*.] Have you any of the class of dispensers under your command?—No; I have applied for some.

2409. Do you approve of that sort of class, or do you think that non-commissioned officers instructed to a certain extent would do as well?—I think in a regiment intelligent non-commissioned officers can be instructed to do the duty extremely well.

2410. *Chairman*.] Do you think it desirable that they should be commissioned officers?—Not at all.

2411. You have a decided opinion upon that?—Quite so.

2412. Mr. *Percy*.] Do not you think that it would be offensive to the assistant-surgeon that the dispenser should be placed in the same rank with him, and at the same pay?—Yes, I do, certainly.

2413. Having neither the position nor the education of an assistant-surgeon?—I think it would be placing both parties in an unpleasant position.

2414. Colonel *North*.] Has it not been a subject of regret on the part of the military medical officers that during this war they have not appeared in the gazettes, mentioned for distinguished conduct?—I believe it has.

2415. Do you know any instance of any of the great attacks at Sebastopol in which some of the medical officers distinguished themselves and were not noticed in the despatches?—I am afraid I cannot charge my memory exactly with the instances.

2416. Sir *John Trollope*.] You were not there, and you do not know it of your own personal knowledge?—No.

2417. Mr. *Bellew*.] What was the duration of your actual regimental service?—Twenty-five years.

2418. You are quite conversant with the details of a regimental surgeon's duties?—Yes, I am, I believe.

2419. Do you think that the number of officers now appointed to regiments as surgeons or assistant-surgeons is sufficient?—No, I do not.

2420. What would you recommend?—I think there ought never to be less than three medical officers to each regiment.

2421. Mr. *Percy*.] In time of peace as well as of war?—Yes; and in time of war, or on foreign service, I think there should be three assistant-surgeons.

2422. With two assistant-surgeons, do you think the medical officer would be able to get long leave of absence, with sufficient ease to satisfy the want at present felt of these leaves of absence?—Yes; I think there would be the means of giving regimental medical officers leave of absence much more easily than they now get it.

2423. Are you of opinion that the having a second assistant-surgeon to each regiment would enable the Government to dispense with the officers now called dispensers of medicines?—I do not think they hold a relation to one another at all; I do not think the one could fill the place of the other.

2424. But as the assistant-surgeon would have more time to instruct the regimental soldiers or the serjeants of the regiment to do those duties, do not you

you think that that would tend towards dispensing with this new grade created for that purpose?—Yes, I think it would, as far as I comprehend the question.

2425. *Chairman.*] Is there any other suggestion that you would wish to make as to any changes in your department?—I do not know that I have come prepared to answer that question.

2426. Mr. *Percy.*] Do you think that leave of absence should be granted to the assistant-surgeons for professional improvement?—I think it very desirable.

2427. Do you think that if there were time given them they would make use of it for that purpose?—I think the great majority would; many are very zealous, and anxious to learn their profession.

2428. And it is of great importance that they should do so?—I think it is of great importance after coming home from foreign service; I think they absolutely require it.

2429. Sir *James Ferguson.*] Are there any medical lectures in your garrison?—No, there are not; there is a very valuable museum, and a very excellent library. There are many facilities for an officer improving himself if he chooses to apply himself to it.

2430. Do the junior medical officers attend the seniors in their walks round the hospitals, in the same way as they do in the civil hospitals?—In our hospitals the junior officers have generally the immediate charge of the patients, under the superintendence of the seniors.

2431. Then there is nothing like a study of surgery under superior medical officers?—No; the juniors consult with the seniors, and *vice versâ*.

2432. Mr. *Percy.*] The assistant-surgeons have completed their studies?—Yes; they are surgeons when they enter the service.

2433. I suppose many of them are perpetual pupils of the civil hospitals?—Yes, I believe so; many of them have been house surgeons.

2434. And therefore they can attend them when they have opportunity?—Yes, I belive so.

2435. Colonel *North.*] Is it not owing to our having so few medical officers, considering the extent of our army, that the medical officers after being ill two or three months have to be placed on half-pay; whereas no regimental officer is put out of the service because he is four, or five, or six months ill?—Yes; the strength of the department is always below what is wanted.

2436. You think it ought to be augmented?—I think it ought to be augmented; for instance, in the last war we had fewer senior officers of the higher ranks than during the Peninsular war.

2437. You think that each regiment ought to have not less than one surgeon and two assistant-surgeons?—I think so.

2438. Mr. *Percy.*] Would you make any distinction between time of peace and time of war?—In time of war I would give three assistant-surgeons; in time of peace, two, at home.

2439. And one surgeon?—One surgeon.

2440. Colonel *North.*] Do you think it would be impossible, considering the present size of the regiments, for a surgeon and an assistant-surgeon to do the whole thing properly?—I think quite impossible, at times.

2441. Mr. *Percy.*] You mentioned that you had at Chatham Hospital gangrene; had you erysipelas and fever?—We had a few cases of erysipelas and a few cases of fever.

2442. Have you any statistics of the number?—No.

2443. But you can make them out?—I could; the number was very few.

2444. In which hospital were they?—There were some cases of fever occurred in Brompton Hospital and a few cases of erysipelas, and some of both in the general hospital at Fort Pitt.

2445. Are you conversant with the civil hospitals of London?—I have not visited them for many years.

2446. Are you aware that 1,000 cubic feet to each patient is almost the minimum allowance in any of the civil hospitals in London?—I believe it is.

2447. Do you think change of air essential in curing certain obstinate wounds, and recovering strength after illness?—I think it is a very useful adjunct, and really essential in some cases.

G. R. Dartnell, Esq.

30 May 1856.

2448. Particularly, where the hospital is situated in a large town?—Particularly if it is situated in an unhealthy locality, or in a town.

2449. Have you means of giving your patients change of air?—No; except by recommending them for furlough.

2450. But then they are obliged to go home to their friends?—Yes.

2451. Therefore, if the man is poor, he is not likely to recover?—No, it does not follow that he may not recover. There is no convalescent hospital.

2452. *Chairman.*] Do you think it desirable that there should be one?—Yes; I think it very desirable that there should be one.

2453. Colonel *North.*] Would you have it at a seaport?—I think in the vicinity of the sea would be desirable.

2454. Mr. *Percy.*] Are you acquainted with the Admiralty hospital at Deal?—No.

2455. There is an Admiralty hospital there, is not there?—There is a naval hospital.

2456. With regard to the staff at Chatham, is it a permanent staff or a fluctuating one?—It is a fluctuating one, except with regard to the three staff surgeons.

2457. They are permanent?—They are permanent for a certain time.

2458. You think it would be very advantageous that the staff at Chatham should be permanent altogether?—I think it absolutely necessary that a portion should be there for a certain time.

2459. What is the course taken with regard to an insane soldier when he is removed to a county asylum, or to the private asylum at Bow?—I report the man to the Secretary for War, in order to get an authority to dispose of him. If he is an old soldier, I have orders through the commandant to send him to the asylum at Bow. If he is a young soldier, and requires restraint in an asylum, he is either sent to his own county asylum, or else he is handed over to the parish authorities at Chatham to dispose of.

2460. Then you have done with him?—Then we have done with him,

2461. Suppose he is restored to his senses, is he restored to you?—If he goes to the asylum at Bow, and is there restored, he may come back to us; but if he goes to a county asylum, he is discharged the service before he goes there.

2462. Does he get a pension?—He gets a pension according to his service. He is brought, first, before the Chelsea Commissioners; and as soon as his pension is awarded to him, he is sent to an asylum, or sent to his friends.

2463. Is he discharged before he goes to the asylum?—He is, if to a county asylum.

2464. Mr. *Cornwall Legh.*] You said that you thought that your staff officers at Chatham should be permanent; what do you mean by permanent?—I mean that they should be fixed there for a reasonable length of time; for one or two or three years.

2465. Irremovable?—Irremovable, except under special circumstances; and besides this, we should have a floating staff ready for service; in fact, Chatham is the head quarters of the department.

2466. You think it would be an advantage to the service that the staff-officer at Chatham should know that he was to be there three, or four, or five years?—I think it is highly desirable; it would be highly satisfactory.

2467. *Chairman.*] Can you give the Committee any information with respect to the comparative rate of mortality in the army medical service?—I have here a report of Mr. Neison, an eminent actuary, containing some Tables upon the subject, with his statement of the result of those Tables.

2468. Will you have the goodness to read a passage in his report stating the result of the Tables?——

[*The same was read as follows:*]

It is thus seen, that of 14,665 years of risk to which the members whose experience is recorded in Table I. were exposed, no less than 386 died, or 2·632 per cent, while the mortality, according to the average for the whole male population of England and Wales at corresponding ages, is 1·888 per cent. But what is most striking about these results is the very excessive mortality at the ages under 55, and the reduced mortality at the ages 55 and upwards. This will be found to exceed, not only the mortality of the male population of England and Wales at the mature and active term of life, but to be actually about equal to that of the officers of the Bengal military service at the corresponding ages.

The

The following exhibits the result for each of the three classes.

G. R. Dartnell, Esq.

30 May 1856.

Mortality in the term of life, 20 to 54, among

The members of the medical department of the army -	= 2·593 per cent.
The officers of the Bengal army - - - -	= 2·635 „
The male population of England and Wales - -	= 1·155 „

It is thus evident that the rate of mortality among the members of the medical department of the Royal army who entered the society while unmarried, does not differ widely from that found to prevail among the officers of the Bengal army, but at the same time it will be found to exceed the rate of mortality among the male population of this country by 124·502 per cent.

Lunæ, 2° die Junii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Mr. Noel.
Sir James Ferguson.	Colonel North.
Sir Henry Davie.	Mr. Peel.
Sir John Hanmer.	Mr. Percy.
Colonel Kingscote.	Sir John Trollope.
Mr. Leveson Gower.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

William Lindsay, Esq., called in; and Examined.

William Lindsay, Esq.

2 June 1856.

2469. *Chairman.*] WILL you state to the Committee what is your present position?—I am the Senior Medical Inspector of Haslar Hospital.

2470. Will you state what is found for a sailor when he comes into your hospital?—When a patient is admitted he is put into a bed, and his clothes being taken from him, he is then dressed in clean hospital clothing.

2471. Are his clothes altogether taken from him?—Yes.

2472. Have you a complete supply of clothes for every patient?—Yes.

2473. What do you do with his own clothes?—They are put into the stores, where they are detained until he is cured; his bedding is taken to pieces, the tick is taken off and washed, the hair is picked, and the bed is made up again and returned to him when he is discharged.

2474. What articles of clothing have you in your hospital for the sailors?—We have flannel drawers and linen shirts and blue clothing for patients who can walk out of doors, and white flannel clothing for those who are confined to the wards of the hospital.

2475. Do you give them socks?—Stockings.

2476. Are they woollen?—Yes.

2477. Caps?—Yes.

2478. What sort of caps?—Nightcaps.

2479. Have they any day caps?—No.

2480. How often is their linen changed?—Every week it is entirely changed; but sometimes it is changed as often as twice a day.

2481. That is in the case of diseases or wounds requiring a frequent change?—Yes.

2482. Do you provide them with pocket-handkerchiefs?—No.

2483. With what sort of vessels are they provided for the purpose of eating and drinking and administering medicines; are they made of tin?—No, of crockery ware; we have glasses for the purpose of administering medicines.

2484. Have you any tin vessels?—No, we have no tin vessels, except such as are used for carrying potatoes in.

2485. No tin vessel comes to the patient?—No.

2486. Do you find them with knives and forks?—Yes, of a very good description.

William Lindsay, Esq.

2 June 1856.

2487. Have you any stated allowance of vessels for each patient?—Yes; there is a teacup and saucer for each patient, and a basin or two.

2488. Do they use plates?—Yes; we have always double the number that there are patients in the wards, and sometimes more.

2489. Are these vessels kept on a shelf over the head of each patient?—No; they are kept in a buffet, which is there for the purpose.

2490. Are there several buffets in each ward?—No; there is one large one in the lobby of each ward, so that it may be seen by any officer passing.

2491. Who is responsible for any fractures that may take place?—The patients themselves if the things are broken wilfully or carelessly; but if they are broken accidentally they are not charged for them.

2492. What staff of orderlies have you?—Two nurses for each ward; one nurse for every seven patients.

2493. Of what sex are the nurses?—In the medical department the nurses are mostly females; but in the venereal wards they are men.

2494. From among what class of men are they taken?—Many of them are men who have been discharged from service in the marine corps.

2495. Why have they been discharged?—In consequence of length of service, or owing to some cause which disqualified them from that service.

2496. Do you always require that they shall persons be of good character?—Yes; we always select the best we can get.

2497. How do you find the system of female nurses answer?—Very well indeed.

2498. What is the pay of the nurses?—The pay has been changed lately; a female now has 20 *l.* a year, with two gowns and a bonnet every year, and a cloak once in three years.

2499. What are the men orderlies paid?—One shilling and sixpence a day.

2500. Besides pensions?—Yes.

2501. Do you give clothes to the men orderlies?—Yes, that has lately been introduced; they have a surtout coat with a white button, and a cap with a device upon it—a crown and anchor.

2502. Colonel *North*.] Are you able to order crockery on your own responsibility, or are you obliged to refer to the Admiralty for it?—The agent has all that in store, and he always has a sufficient supply.

2503. *Chairman*.] And can you draw upon them?—Yes.

2504. Your communications are with the captain superintendents, are they not?—Yes.

2505. Have you power, in case of the fracture of window panes, and so on, to order them to be repaired immediately?—Yes.

2506. Colonel *North*.] Are the sailors subject to any hospital stoppages?—After they have been in the hospital for three months.

2507. But not otherwise?—Not otherwise.

2508. What are the stoppages?—Eightpence a day.

2509. Do they receive their full pay?—Yes, unless they are invalided.

2510. Have you regular apartments for officers in the navy?—Yes, a field officer has a sitting-room and a bed-room.

2511. And what accommodation do you provide for an officer of the rank of a lieutenant in the navy?—A single room only.

2512. Have they a room to mess in, or where do they take their meals?—In the room they sleep in.

2513. If they are sufficiently convalescent, is there a mess-room to which they can go?—No, not for lieutenants; there is for junior officers, for clerks, midshipmen, and so on.

2514. How are their dinners cooked?—By the nurses of the ward.

2515. Are the officers in the navy ever obliged to pay for medicines, or for leeches, or anything of that sort?—No.

2516. Nor for nursing?—No.

2517. *Chairman*.] Is there any stint with regard to the supply of medical comforts, or food?—No; there is a certain scale upon which they are dieted, which is a very liberal one, and if anything more is required, the medical officer can order it at his own discretion.

2518. Does that extend to wine?—Yes; the wine is only ordered by the medical officer; he may prescribe to any patient a pint of wine a day, and if more

more is wanted, he makes a report to the Director-general, stating the reason why it is required, and that is never found fault with.

2519. Of what does your staff at Haslar consist?—Two inspectors, two deputy inspectors, two staff surgeons, and two surgeons doing duty as assistant surgeons.

2520. What is the present number of patients?—About 700, not including the Asylum.

2521. Do your assistant surgeons dispense?—No, not now.

2522. Will you state the arrangements that are at present in existence?—At present there are what are called assistant dispensers, men who have been brought up to dispensing in apothecaries' shops; they are paid 5 *s.* a day, and do nothing but dispense.

2523. Do they attend the surgeon on his rounds?—No.

2524. Who takes the prescription of the surgeon to the dispensary?—The nurse carries it there; each patient has his prescription ticket.

2525. When the surgeon makes his rounds, by how many persons is he accompanied?—He generally goes round with one assistant.

2526. Has he any clerk to write for him?—No, he writes himself.

2527. And then the nurse takes it to the dispensary?—Yes, the nurse takes all the tickets to the dispensary, and the medicines are sent immediately.

2528. The patient can obtain his medicine within a few minutes?—Yes.

2529. Has that system been long in operation?—Yes; ever since I have been in the naval service.

2530. Colonel *North.*] Do the dispensers rank as officers?—No.

2531. Sir *James Ferguson.*] But if they had rank, would it be about the same as warrant officers?—Yes; they have no comparative military rank.

2532. Colonel *North.*] Is there a lunatic asylum for the navy?—Yes.

2533. Not a civil hospital, but a naval one?—Yes, a part of Haslar Hospital is set apart for that purpose; there is a staff surgeon who has charge of it, and he has a staff assisting him.

2534. And any officers who may be insane are at that establishment?—They are.

2535. And the men too?—And the men too.

2536. The men are not returned to their parishes to be sent to county hospitals, but are taken care of by the Government?—Yes, if they are permanently insane.

2537. *Chairman.*] The system is one of moral and not of physical restraint?—Yes.

2538. Do you consider that the present arrangements of that hospital are satisfactory or otherwise?—I think they are extremely satisfactory.

2539. Do you think that the influence of discipline is brought to bear upon those lunatics with good effect?—Decidedly.

2540. Which could not be done in a civilian hospital?—Not so well, I think.

2541. Sir *James Ferguson.*] If the orderlies are moved from the hospital for any length of time, is there any depôt to which they are sent?—No.

2542. They are virtually discharged from the service if they are sent away from the hospital?—Yes; the number varies very much; but we keep their addresses, and send to them again when they are wanted.

2543. These persons are enlisted especially for the hospital service?—Yes.

2544. Do you prefer that they should have been in the naval or military service before?—Yes.

2545. *Chairman.*] Have you any other suggestion to make to the Committee?—If you will allow me, I will produce the scale of victualling.

[*The Witness delivered in the same, as follows:*]

No. 29.

A SCHEME of DIET for Patients in the Royal Naval Hospitals and Marine Infirmaries.

FULL.		HALF.		LOW.		FEVER.	
Bread	1 lb.	Bread	1 lb.	Bread	8 ozs.	Bread, 8 ozs., or sagō, 4 ozs.	
Beef or mutton	1 lb.	Beef or mutton	8 ozs.	Herbs for broth	12½ drams	Tea	4 drams
Potatoes or greens	1 lb.	Potatoes or greens	8 ozs.	Barley	7 drams	Sugar	20 drams
Herbs for broth	25 drams	Herbs for broth	25 drams	Salt	8 drams	Milk for tea	⅔ pint
Barley	14 drams	Barley	14 drams	Tea	4 drams	Milk for diet	¼ pint
Salt	8 drams	Salt	8 drams	Sugar	16 drams		
Vinegar	16 drams	Vinegar	16 drams	Milk for tea	⅔ pint		
Tea	4 drams	Tea	4 drams	Milk for diet	1 pint		
Sugar	16 drams	Sugar	16 drams	Broth	½ pint		
Milk for tea	⅔ pint	Milk for tea	⅔ pint				
Broth	1 pint	Broth	1 pint				
Home:		Home:					
Beer (small)	2 pints	Beer (small)	1½ pint				
Or strong	1½ pint	Or strong	1 pint				
Beer (small) for servants	4 pints	Foreign:					
Or strong	3 pints	Wine at the surgeon's discretion, not exceeding	1 pint.				
Foreign:							
Wine or Porter at the surgeons's discretion, not exceeding	1 pint 1½ pint						
Veal, Fowls, Fish — Such quantities, in lieu of Beef and Mutton, as the medical officer may prescribe.							
Rice or flour pudding				at the discretion of the medical officer.			

NOTE.

Two drams of Souchong tea, eight drams of Muscovado sugar, and one sixth part of a pint of genuine milk, to be allowed to each patient for a pint of tea, morning and evening.

The meat for the full and half diet is to be boiled together, with 14 drams of Scotch barley, eight drams of onions, one dram of parsley, and 16 drams of cabbage for every pint of broth, or at the discretion of the medical officers, eight drams of carrots, and eight drams of turnips, in lieu of the cabbage, which will make a sufficient quantity of good broth, to allow a pint to each on full and half diet, and half a pint to each on low diet:—

Rice Pudding, each to contain,—		Flour Pudding, each to contain,—	
Rice	3 ozs.	Flour	4 ozs.
Sugar	1 oz.	Sugar	1 oz.
Milk	¾ pint.	Milk	¾ pint.
Eggs	1 No.	Eggs	1 No.
Cinnamon	1 blade.	Ginger	a few grains.

CASUALTY DIET FOR MEN DISCHARGED.

Home Establishments	Bread	1 lb.
	Cheese	6 ozs.
	Beer (small)	2 pints.
	Or strong	1½ pint.
	Tea	1 pint in the morning.

N. B.—As this scale provides liberally for each class of patients, medical officers are carefully to avoid all deviations from it as far as their duty towards the sick may permit.—Such patients (not exceeding six) as may be inclined, are to be permitted to attend the weighing, measuring, &c. of the provisions in the morning, and serving them out when cooked.

William Lindsay, Esq.

2 June 1856.

2546. Mr. *Percy.*] Is there any body of men connected with the service from whom dispensers could be obtained?—No.

2547. *Chairman.*] Have you a museum?—Yes.

2548. Do you get contributions to that museum from officers in all parts of the world?—Yes; mostly from medical officers in the navy.

2549. Have you many preparations?—Yes; they are mostly with a view to illustrate comparative anatomy.

2550. Is it an increasing collection?—Yes.

2551. What contributions to medical science do you make; do you draw up reports from time to time as to the effect of climate and so on?—Yes; we generally do so in our quarterly reports.

2552. Are those reports printed?—Extracts from them are printed in the naval statistics.

Major-general Lord *De Ros*, attending by permission of the House of Lords; Examined.

Major-General Lord *De Ros.*

2553. *Chairman.*] WILL you be good enough to state your present rank in the army?—I am a Major-general in the Army.

2554. Will you state what your service has been recently?—I was employed for about 23 years on the inspection staff of the cavalry, and from that I was appointed Quartermaster-General to go out to the East. I was invalided from Varna in August 1854.

2555. From your position you have probably turned your attention, in some degree, to the consideration of the medical department of the army?—When I was on the inspection staff of the cavalry, I was in the constant habit every year of going round numbers of hospitals, and preparing the inspection Reports of them, and of course I had a good opportunity of witnessing and judging of the system pursued in those hospitals.

2556. Will you state how minute your inspection of those hospitals was?—I have here one of the Confidential Reports which shows it exactly; it is a report made half-yearly by the Inspector-General of the cavalry. The questions on medical matters are, whether the Surgeon is intelligent and competent to the duties of his situation, and zealous in the discharge of them? whether his Assistant is competent to his share of the medical duties of the regiment? whether the hospital is conducted in conformity to the existing regulations? whether the supply of provisions and refreshments is ample and good? whether the proportion of sick has been large or mortality considerable? whether any men have been kept long on the sick-list for slight or equivocal complaints? whether the hospital is well situated and the wards airy and clean? whether vaccine innoculation is regularly practised? whether cases of ophthalmia are carefully separated from other patients. That is the substance of the Report, as regards the Medical Department.

2557. Did the relative positions of the executive officers and the medical officers ever seem to clash?—Not the least.

2558. You think that, on the whole, their relative positions are satisfactory?—Perfectly so.

2559. What is your opinion as to the general skill and philanthropy of the surgeons employed in the British army, so far as you have had an opportunity of judging?—From what I saw of it when illness broke out in the fearful manner it did at Varna, I was strongly impressed with the idea that it was impossible for any body of men to do their duty better, or with more zeal and kindness.

2560. You think that, on the whole, they deserve well of their country?—Yes; nothing could be more creditable than their conduct, so far as I had an opportunity of observing it.

2561. Did you find that their number was sufficient?—No; I think that there were plenty of heads, but it was hands that were wanted; what was wanted was orderlies and hospital assistants.

2562. You had at that time only one assistant surgeon to each regiment, had you not?—Yes.

2563. Do you think that that was sufficient?—No.

2564. Mr. *Peel.*] Are you referring to a class of persons distinct from orderlies?—I am referring to persons who should take off from the Medical Officer the duty of compounding and mixing medicines. The surgeons, instead

Major-General Lord *De Ros.*

2 June 1856.

of being at the bedside of the sick man, were obliged to be rolling pills and making up the commonest medicines.

2565. Do you think that they could safely trust a duty of that description to the hospital serjeants?—I think they could, but the difficulty was, that the mortality was very great; many of the hospital serjeants died; instead of one hospital serjeant, they would have wanted five or six people of that description under them.

2566. Is a better educated class of dispensers or compounders of medicine required, in your opinion?—I have always had an opinion that you might have a system of training men from the ranks for exigencies occurring in hospitals; you do not want them on home service, but you want them when you come to any exigency. I have always had the idea that you might provide them in the same way as was done in the cavalry many years ago, with respect to the farriers. It was found that the Farrier-Major and his assistants were perfectly sufficient for the home service; but when they went abroad they were not so, and the late Sir Hussey Vivian and General Wyndham introduced a system of training private soldiers to assist at the forge. It was at first very much objected to; it was said that it spoiled their jackets, and that the men did not like it, and got into drunken habits; the system however proved its own merit; it has been in operation ever since, and has been of the greatest possible service to the cavalry regiments in the late campaigns.

2567. They do not form a supernumerary class of officers?—No; the soldier attends for a certain number of months at the forge; there is no attempt to make him a farrier; he is only taught to do by a horse what an orderly I think might be taught to do by a sick man.

2568. Would not constant practice be necessary to enable the men safely to compound medicines?—At Varna, there was a great deal done that did not require any great amount of education; a good servant would have been as good for the purpose as a highly-paid or highly-educated man.

2569. Do you mean that the Assistant surgeon or the Surgeon of the regiment appeared to be doing that which a common servant might have done equally well?—Decidedly; they were worked to death with duty of that description, and were unable to attend to their other duty in consequence.

2570. Sir *James Ferguson.*] You think that the hospital serjeants would be quite competent to perform the duty?—Yes; men might be taken into the hospital, and trained there for a year or so, and then they might be put back again into the ranks. By that means you would circulate through the regiment a number of men who would be competent to assist in the hospital on an emergency arising.

2571. In point of fact, all that is wanted is perfect accuracy?—Yes; a clerk or a shopman, or any person of that description, might be taught very soon to do the duty as well and as quickly as a regularly-educated man.

2572. Mr. *Peel.*] Is it not the fact that surgeons themselves feel incompetent to make up their own prescriptions, in consequence of their not having had the training of an apothecary?—I am not competent to answer that question. The question in the Confidential Reports as to the veterinary department is, What number of men per troop are sufficiently instructed to be able to shoe horses on an emergency? The answer given to that question, when the King's Dragoon Guards went to Canada in 1847, was, 60 men; and when the late Sir George Cathcart returned, he told me that no one thing had enabled him to keep that regiment so efficient as the assistance he was able to obtain from the men who had passed through the temporary instruction of the forge.

2573. Do you believe that at this moment, in the cavalry regiments in the Crimea, there are a tolerable number of men instructed in the art of farriers?—I know there are; and I know that a patrol, which was sent under very difficult circumstances, through a deserted country, to communicate with Lord Cardigan's detachment in Bulgaria, were saved by having one of these men with them who was able to shoe their horses.

2574. Colonel *North.*] There have been lately appointed to two or three regiments dispensers with the rank of officers, and receiving the same pay as assistant surgeons; do you think that that is at all requisite?—I think it is worse than not requisite; I think it is injurious. I think they would be placed in a very awkward situation. You would have to give them servants; and the other expenses of commissioned officers would be entailed upon them.

2575. Mr.

2575. Mr. *Peel.*] Do you characterise it as injurious from their having commissions?—I do not know that "injurious" is the proper word; but it would be inconvenient, because if you give them commissions you must give each of them a servant, and put them to the expenses of officers.

2576. Your objection has no reference to the duties they may be directed to perform?—No; my objection is that they would be placed in a false position, and that it would be inconvenient to them and to the service.

2577. Setting aside the question of commissioning these dispensers, have you any other objection to the measure?—I do not think they should rank so high; I think that if they have any rank, it should be the rank that the old troop quartermaster had, who was a man without a commission, though put on a higher footing than a serjeant.

2578. But men capable as dispensers could not be drawn out of the corps itself, certainly?—Not without you established the circulation of orderlies through the hospital; but I will answer for it, that there is scarcely any regiment in which you will not find a man who has been in a druggist's shop; you may find in a regiment men who have been in almost every trade.

2579. Colonel *Kingscote.*] Therefore, you think they might be drawn from the ranks?—Yes, certainly; with a little extra pay while employed in the hospital.

2580. And that, you think, would be preferable to getting civilians?—Very much so.

2581. *Chairman.*] And with extra pay that would be a boon to the soldiers?—Yes; the objections to civilians being attached to a regiment is, that they are in an anomalous position, and constant inconvenience arises from it.

2582. Does that apply to Surgeons and Assistant surgeons, who are civilians, in fact?—No; I think they are subject to all the discipline of the regiment like the other officers, and belong to it as much.

2583. That would be the case with every dispenser who might be appointed, of course?—Yes, if regularly enlisted, or with a warrant appointment.

2584. Sir *John Trollope.*] Are you aware of the system adopted by the Foot Guards with respect to hospitals?—Yes, I believe they take a man and keep him there permanently; I would not do that; I would circulate a certain number of men through the hospital; you do not want them in a time of peace, but when you go abroad you can make use of them, as General Cathcart, in the case to which I have referred, made use of the 60 men trained as farriers.

2585. In that way you would have a number of men who would be available on an emergency arising?—Yes.

2586. Would you have a hospital serjeant as well?—Yes; I think you want him to keep the accounts, and to superintend and instruct these men.

2587. *Chairman.*] As in the Coldstreams?—Yes.

2588. Sir *John Trollope.*] Do you see any objection to the hospital serjeant dispensing medicines?—Not any; and I am quite sure that the rule against his so doing has been constantly and generally evaded.

2589. From necessity?—Yes; from necessity. I have often indeed known officers send to the serjeant with a request to send them ordinary medicine when the surgeon has not been in the way.

2590. *Chairman.*] So that in point of fact the regulation that exists upon the subject is little more than a dead letter?—Yes, and I think it is a bad dead letter.

2591. Sir *John Trollope.*] When you were at Varna were you engaged in choosing the locality in which the troops were encamped?—In concurrence with the medical officers; I always consulted them.

2592. Was the opinion previous to the encampment, that the situation would prove healthy or otherwise?—We knew that it would prove healthy for a certain period of the year. I had heard that from Count Woronzoff, many years ago, when I visited him at Odessa.

2593. Are you speaking of Devno?—No, Varna.

2594. But your final encampment in Bulgaria was at Devno?—Part of the troops were encamped there.

2595. And that was found to be exceedingly unhealthy, was it not?—It was perfectly healthy at first; but suddenly it took a contrary turn: it was impossible to account for that, except from the advance of the season and increased heat.

Major-General Lord *De Ros.*

2 June 1856.

2596. You then found a great pressure, and a great want of medical officers, did you not?—Very great; but we found a much greater want of medical attendants than of medical officers.

2597. Has your attention ever been drawn to that which has recently been carried into effect, the establishment of civil hospitals in connexion with the army; I allude to Smyrna?—I cannot speak to that personally; but from all I have ever heard, I do not think it can answer; you must have discipline; discipline is quite essential in a good military hospital.

2598. Was it not felt as a great discouragement to the medical officers of the British army to have men drawn from private practice to whom were given appointments superior to their own?—I do not think there could be a greater discouragement.

2599. Mr. *Peel.*] You are not speaking from any actual knowledge as to the feeling that existed, are you?—Yes. I was not at Smyrna, and therefore I cannot myself state what that hospital was; but it was the universal feeling among the medical officers of the army that it was a great discouragement to them, and they were consequently annoyed at it.

2600. Sir *John Trollope.*] And have you heard that repeatedly expressed since?—Yes.

2601. Would it not have been practicable at that time to have promoted regimental medical gentlemen to those posts?—I do not know what supply there was ready for that purpose, but I should think that that would have answered; I am not aware, however, what supply there was at home for the purpose to which you allude.

2602. Did not the appointments in these hospitals throw the chain of promotion out of gear, if I may use that expression?—I am not aware that it affected the promotion in any way.

2603. Supposing a regimental surgeon of long standing had been made a staff officer, and put in charge of one of these hospitals, is it not your opinion that his vacancy could have been filled up from home, and that thus the medical service of the army would not have had to contend with civilians?—I should think so.

2604. Mr. *Peel.*] In that case, the vacating officer would have been on half-pay by this time, the war being now over, would he not?—I am not competent to speak upon that point.

2605. Colonel *Kingscote.*] Do you think that the new system of having a medical staff corps from which orderlies could be drawn is preferable to drawing orderlies direct from the regiments?—I am sure that everything that you can do regimentally will always answer the best.

2606. And would not men drawn from regiments for the service of orderlies be more likely to be amenable to discipline, and would they not be more manageable than persons enlisted for that specific purpose?—Yes, I think so.

2607. *Chairman.*] Will you explain to the Committee the nature of the Confidential Inspection Reports to which you have referred?—In the cavalry the Inspecting-General visits each regiment once or twice a year; he goes over every department of it, and makes a very close examination of its discipline, its economy, its medical system, and everything relating to its arrangements; and then he fills up the answers and the questions which are in the printed Report. After the reports have gone in, they are acknowledged by the Adjutant-general, who submits them to the Commander-in-Chief, making remarks upon them; then if any officer has been found fault with, or if anything has gone wrong in any department, that fault is alluded to, and the officer is directed to be reprimanded, or dealt with by the Court of Inquiry, or to be brought to a court martial, as the case may be; he is then informed that he has been reported, and that such is the Commander-in-Chief's decision with respect to him.

2608. In Question No. 357, Dr. Andrew Smith is asked, "Therefore, there may be charges brought against medical officers who are perfectly guiltless, but which may stand as bars to their promotion, and which charges they may never hear of?—There might be such, but I do not think there are such." Could there be such according to the system of military confidential report?—No.

2609. Then the system of medical confidential report varies in this respect from the military?—In the military Report, if anything was found wrong with the

the surgeon, it would be noticed by the Adjutant-general the same as in the case of other officers.

2610. You are aware that two reports are made, favourable or unfavourable, to medical officers in the army, one that which you have just now referred to, and the other to the Director-general?—I have heard of that, but I was not directly aware of it; I was only cognisant of the report of the Inspecting-General.

2611. In that report any complaint made against any medical officer would appear?—Yes; if, for instance, the assistant surgeon had been irregular or careless in attending the hospital, he would be directed to be reprimanded in the presence of his senior officers; he would be reprimanded just the same as any other officer, or he would be brought before a court of inquiry or a court martial.

2612. Mr. *Peel.*] Through what channel would it be communicated to him?—Through the Adjutant-general and Commandant of his regiment; the report against him would be first communicated to the Director-general, and there would be a direction given by the Commander-in-chief to the Colonel of his regiment to reprimand him.

2613. Colonel *North.*] You have seen naval hospitals, have you not, as well as military?—Yes; I attended on many occasions the inspection of the marine hospital at Chatham.

2614. And did you find it in a very good condition?—Admirable.

2615. Mr. *Peel.*] In the Report unfavourable comments might be made, might there not, which it would not be worth while to follow up by a communication with the officer, such as a report of want of skill, or a matter of that kind, which it would take some time to decide?—It would be always noticed.

2616. It would be noticed by the Inspecting officer, but not by the Horse Guards, would it?—It would depend on the nature of the complaint. Supposing an officer had been merely careless or unpunctual in attending on field-days, or anything of that sort, or suppose the commanding officer told the Inspector that a medical officer had been very careless in the discharge of his duty, he might reprimand him on the spot, and he probably would do so; but if it was said he had been doing anything unbecoming a gentleman or disgraceful to the regiment, he would be bound to report it, and a notice would be returned by the Adjutant-general directing a reprimand, or that the party should be subjected to some other punishment.

2617. *Chairman.*] In short, no charge is ever brought against a medical officer which he has not an opportunity of answering?—Certainly not in the Inspecting-General's report.

2618. Mr. *Peel.*] But although no charge is made against him, there may be unfavourable comments made upon him?—I do not think that the Inspector-general would feel warranted in saying a word against him without reprimanding him upon the spot. I have constantly known that done; for instance, if a Surgeon has gone away from the barracks, and has not been there when an accident has happened, the commanding officer of the regiment would report it, and the inspecting officer would, in the presence of the commanding officer, say, "This is a very serious thing, and if it is repeated it will be treated as a serious matter; but as your conduct has generally been regular, I shall not report you this time."

2619. Then that confidential report, so far as it affects the character of any officer or man, is not confidential; it is not withheld from him?—Certainly not, as regards individuals; it is only confidential in this way: if there had been any misconduct in the regiment, it would be reported, but it would not be told to the men.

2620. Suppose an entry was made that a man was not well up in his duties, what would be done then?—In such a case, an officer would either be reprimanded by the Inspector, or if it was a serious case, reported, and it would be remarked on by the Adjutant-general, with directions for a reprimand through the commanding officer.

2621. Where a notice is commendatory, is that equally made known to the officer?—Certainly; that is constantly done; the party is informed that the Commander-in-chief is much gratified to find that the officer's conduct has been such as to deserve praise.

2622. Mr. *Leveson Gower.*] Does it not often happen that an officer is reported, and is not made aware of it?—I have never known such a case.

 2623. *Chairman.*]

Major-General Lord *De Ros.*

2 June 1856.

2623. *Chairman.*] Has your Lordship's attention ever been directed to the governing and organisation of the medical department?—It is a subject that I have heard very much canvassed.

2624. You are aware that there were Boards at one time?—Yes; I think the late Duke of Wellington did away with the Board.

2625. Is it your Lordship's opinion that the present system is the best that could be adopted?—I think, as an abstract question, that the least unwieldy Board, and the one that would work best, would be a Chief with two Assistants; very much the same thing as was described by Dr. Lindsay with respect to the medical naval officers. I think there should be always a military person attached to it besides the two assistants; it appears to me that a field officer of experience would be of great value to a directing Board on account of his knowledge of the discipline and habits of soldiers.

2626. Would you have the two assistants civilians, or army medical men?—I think they should be army medical men, and next in rank to the principal officer.

2627. Do you think they should be appointed by the Director-general?—I think that the Commander-in-Chief ought to have a voice in their appointment to make it a satisfactory Board.

2628. And should he have a voice also in their removal?—I think so.

2629. You would not give the Director-general the power which he at present has, of appointing and displacing them?—No, I do not think that that would be a very advisable constitution for a Board. The Police Board is a very good working Board; that has a chief, with two assistants and a secretary.

2630. Mr. *Peel.*] Are you aware that the Army Medical Department is at present a branch of the War Department, and is under the authority of the Secretary of State for War?—I do not exactly know what the powers of the Secretary of State for War are.

2631. *Chairman.*] Dr. Andrew Smith stated that he had not got his new position defined by any document; do you think that the military secretary should be appointed by the Commander-in-chief?—I think so.

2632. Do you think that he should be removable by the Director-general?—In concurrence with the Commander-in-chief; I think it should be a joint appointment; I think he should be selected by the Commander-in-chief and Director-general.

2633. Sir *John Trollope.*] Do you think it is advisable that the Director-general should have such absolute power as he now possesses over the whole medical department?—I think he would have virtually the same power that he now has for all good purposes, with greater convenience and advantage to himself, avoiding all imputation of favouritism or partiality, if he had the assistance of two assessors next in rank to himself, and a military secretary; I always thought that a very necessary thing.

2634. Would you make that military officer subordinate to the Director-general?—Yes.

2635. But you would make the two medical gentlemen who assisted him in the Board independent of him as regards their appointment and position?—Yes; but not as to their opinions.

2636. In the case of a disputed point, if the Board consisted of three persons, and if the two assistants voted one way, they would carry the question, I presume?—I think that if it came to that, the whole thing would break down; if you put the case of their regularly splitting and making cabals against each other, that would defeat the utility of any Board; but I do not think that that would be likely to happen.

2637. Colonel *North.*] You would consider them more as advisers?—Yes, but I am sure that much trouble and mistake might be saved if the medical officer had a thoroughly experienced field-officer at his elbow to refer to on questions which might arise, with which a medical officer could not be expected to be so familiar as a military man.

2638. Mr. *Peel.*] Can you give any illustration of the mistakes to which you refer, and which would be avoided if the system you would recommend were pursued?—I think that the very mistake that occurred in the formation of the Smyrna hospital might have been avoided; I think that any medical officer of judgment and discretion might have told the Director-general that the system would not work.

2639. But the civil hospitals are considered by many persons to have been eminently successful, are they not?—I am not aware that they have been so considered; I am speaking of the Smyrna hospital; that is the only one that I know anything about.

2640. Sir *James Fergusson.*] A civil hospital must be more expensive in its constitution, must it not, than a military one?—Yes.

2641. Sir *John Trollope.*] It is the fact, is it not, that the civilians appointed to these hospitals would, generally speaking, have no knowledge of the conduct and habits of soldiers, or any military command over them?—None whatever.

2642. You apprehend, do you not, that all military discipline would cease in such hospitals?—It would at all events be much damaged.

2643. Mr. *Peel.*] Are you aware that the military commandants who have had under them these civil surgeons have testified to the admirable manner in which they have conducted the hospitals, and understood the wants and requirements of the soldiers who have been under their care?—I am not aware of that.

2644. Sir *John Trollope.*] Do you think that in dealing with soldiers it is positively necessary that the surgeon should be a military man, or a man accustomed to the barrack yard and barrack life, and who knows the feelings and habits of soldiers?—English soldiers are very different from foreign soldiers; they are men who are governed by habit as much as by discipline, and those who do not know their habits cannot govern them.

2645. *Chairman.*] What do you think of the Ambulance Corps?—I am afraid that I cannot give a good account of that. They were sent to my particular charge as Quartermaster-general, when they came out, and I wrote a report of them to the Quartermaste-general at the Horse Guards, which I will read. It is dated Varna, 1st August 1854: "My dear General, I have delayed so long to answer your letter about the Ambulance Corps, because I was in hopes to have been able to give a better account of them. The first night of their arrival (the 20th July), they fell into such riot and disorder in their little camp, that after going there myself, I was obliged to order down, with Captain Grant's full concurrence, a party of an officer and 20 men of the 44th to quell their irregularity; in fact, Captain Grant seemed to have but little authority over them himself. Next morning I sent for the provost marshal, and had them paraded at an early hour. They looked ashamed of themselves, and I addressed them briefly, telling them who it was that they saw by my side; that I trusted it was the first and last visit he would pay them, but that I now told him in their presence, that should such a disgraceful scene occur again, he must at once convince them he would do his duty; that having given them this serious and final warning, I should not report them to Lord Raglan, but give them a fair and reasonable chance to redeem their characters, calling upon those amongst them, and there must be many who were really good old soldiers, to assist in averting disgrace from their corps by supporting their officers and con-commissioned officers in the control of the rest. They promised very fair, and their behaviour is a little improving, but there are many confirmed drunkards, and Captain Grant does not appear to be a good disciplinarian, though a very respectable sort of man. We have lately selected from among the horses bought in Tunis, for general purposes, about 70 of the strongest, and placed them in charge of the corps. I have begged Captain Grant to begin by putting together and horsing one cart or waggon, but he tells me the harness was most unwisely packed under the whole cargo, so there is no chance of a beginning yet a while, especially as it will most of it require cutting and altering for these small Eastern horses. But now comes a great difficulty, for Captain Grant, in answer to my inquiries, says he has *no farriers, no wheelwright, no collar-makers.* To have come off without making sure of these absolute necessities, especially to a country like this, seems great want of forethought, but at all events till they are sent out this corps cannot march. They brought no white covers to their caps, which are bad ones for the sun—leather tops. I have told Captain Grant to try and make some up here instantly, for it is a serious affair with old soldiers in this heat, to expose their heads in leather top caps. In the composition of this corps, there should have been more artillery-men, and at least one officer from artillery or cavalry, or a good serjeant-major besides the adjutant."

2646. Mr. *Peel.*] That report refers to a period two years ago?—It refers to

Major-General Lord *De Ros.*

2 June 1856.

the period of the arrival of the Ambulance Corps at Varna; the date of it is the 1st of August 1854.

2647. You are aware that the Ambulance Corps is now extinct?—I believe it is.

2648. And that the duties of the Ambulance Corps are now performed by a portion of the Land Transport Corps?—I understand that that is the case. I attribute the failure of the Ambulance Corps to their having been sent out without having proper workmen in their ranks; and above all, to attempting to take the pensioners about London to compose the corps. All the best men among the pensioners get into some situations, as gatekeepers, servants, grooms, and so on, and the remainder are a sort of persons out of whom you could not make a good corps of that sort.

2649. But none of those remarks apply to the manner in which the duty has been discharged within the last 18 months, do they?—No. I am referring only to the first organisation of the corps.

2650. Colonel *Kingscote.*] Was your attention directed to the extent of the accommodation provided for the transportation of the sick in Turkey?—I was invalided from Varna shortly after the period of which I have spoken, but until my health failed I always managed to provide plenty of accommodation for transport of the sick, because we organised a transport by water up the Devna Lake.

2651. Sir *John Trollope.*] You had ambulance carts and waggons for the sick and wounded also, had you not, attached to this corps?—Yes, but they were quite unfit for the purpose.

2652. They were two-horse carts and four-wheeled waggons, were they not?—Yes.

2653. They were both found unfit for the purpose?—They were too heavy; they were all fitted for large artillery horses, and as this corps was without farriers, wheelwrights, or collar-makers, there was great difficulty in using them; they could not be prepared for the march, and were utterly useless for the purposes intended.

2654. Were they of the old pattern that had been used in the Peninsular War?—No; the pattern of them had been much canvassed.

2655. They were inspected, were they not, by Lord Raglan, previous to their leaving England?—I am not aware.

2656. Sir *James Fergusson.*] Do you think that if the army had marched from Varna, the means of transport for the sick would have been found very insufficient?—No, not very, because we had the means of water transport; the distance was short, and no great difficulty, I think, would have arisen.

2657. Your attention was not directed to the means of transporting the sick in case of your going elsewhere?—No.

2658. Were the medical comforts that were sent out to the army sufficient in quantity, in your judgment?—No, they were very short.

2659. Your attention was drawn to that almost immediately, was it not?—Certainly; I constantly went round the general hospital at Varna, and heard those complaints.

2660. The medical officers generally complained of it, did they not?—Yes; there were very great complaints on that subject.

2661. Colonel *Kingscote.*] Could you have obtained more waggons at that time?—I think that more waggons could have been obtained; Omer Pacha told me that they might have been obtained.

2662. Fit to carry the sick?—Not perfectly suited to carry the sick, but the arabas of the country were useful carriages.

2663. Sir *James Fergusson.*] The men suffered a great deal, did they not, from being conveyed in those arabas in hot weather?—I think they suffered more from the heat than anything else. I think that with hay at the bottom, the arabas were not a very bad mode of conveyance.

2664. But you required a large number of them, did you not, to convey a small number of men, each of them holding only three or four men?—Yes.

2665. *Chairman.*] Have you known medical officers to be members of courts martial?—No.

2666. Do you think it desirable that they should be?—I think it is not at all desirable; the army have great confidence in the courts martial as they are now constituted; even those who suffer from their sentences have very seldom anything

thing to say against them, and I think that they would not have the same confidence in them if they were composed of any but military officers.

2667. Would you have them members of Boards?—I would rather have their evidence than put them actually on a Board as members.

2668. On the whole, then, you are of opinion that no change in their position in that respect is desirable?—I think that any change would be very disadvantageous to them, as well as disadvantageous to the service.

2669. Have you at all considered the question as to the desirabilities of having an earlier retirement for medical officers?—I have not turned my attention particularly to that subject.

2670. It has not come within your notice that men have remained so long in the service that they have become inefficient?—No; I have not observed that.

2671. Colonel *North.*] Have you considered the question with regard to hospital stoppages at all?—Yes; I think that the hospital stoppages are a great hardship on soldiers, and they feel it so when they compare their condition with that of sailors. At Chatham, in the Marine Hospital, you find, according to the statement of the naval medical officer, Dr. Lindsay, that they have a great many things supplied to them that the soldiers have not; I think the comparison is unfortunate.

2672. No matter what the price of provisions may be, the same sum of 10*d.* a day is stopped from the soldier; is it not?—Yes.

2673. It appears in the Evidence which has been given before us that there is no stoppage at all from a sailor until he has been in the hospital for three months; are you aware of that?—Yes.

2674. *Chairman.*] Do you think that at present the number of surgeons in the regiments is sufficient?—I think it depends entirely on the strength of the regiments. With a regiment of 300 men, which was the former establishment of the cavalry, I think you did not want an additional surgeon at home; but the moment you go abroad you do.

2675. Do you think that the surgeon in a cavalry regiment should always be on the parade?—On all mounted parades, I think that either he or his assistant should be; not foot parades.

2676. Colonel *North.*] Is one assistant surgeon sufficient, in your judgment, under those circumstances?—Quite, while at home and not exceeding 300 men, or thereabout.

2677. Colonel *Kingscote.*] When regiments are detached, do you think that the present system answers well?—I think not. There is an order that when a detachment goes out the assistant surgeon should go out with it. In a cavalry regiment there may be six or seven detachments dispersed in as many different towns, and there is no reason why the Assistant surgeon should be with one detachment more than with another. Those who have not the Assistant surgeon with them are placed under the practitioner of the town where the detachment may be. The cost of that is very little, and I think that much the better plan is to keep the assistant surgeon at head-quarters.

2678. When the assistant surgeons are detached in that way, does not the duty fall heavy on the surgeon who may be at head-quarters?—Very heavy; he cannot go on leave of absence.

2679. Colonel *North.*] Suppose he is obliged to go to the drill ground, which occasions him to be absent perhaps three or four hours, is not that inconvenient?—I do not think that any great inconvenience arises from that; but I think it is very desirable that in the case of detachments of cavalry regiments, the medical practitioner of the town in which they are placed should have the charge of them; the men taken on detachment are generally healthy, and the expense is very trifling indeed.

2680. Sir *John Trollope.*] How are the medical practitioners paid in those cases to which you refer?—I do not know; their charges are very moderate; they are generally very anxious to be of use to the military on those occasions, and they are very liberal of their assistance and attention.

2681. *Chairman.*] Do you know what is the system of promotion in the Artillery and Engineers?—Seniority.

2682. Do you think that if proper proof of qualification were given on their entering upon their duties, the medical officers might be treated in the same way?—I think the medical officer should be placed as much as possible on the

Major-General Lord *De Ros.*

2 June 1856.

footing of officers who are unable to purchase in the line; I think they should advance by seniority as a general rule, but that the principle of selection should not be excluded where there is very great merit.

2683. Mr. *Peel.*] Is that the existing system?—I am not aware how the present system is organised.

2684. You are not conversant with the system which is in force at the present time?—No. I do not understand what the system of medical promotion is; I think that it should be assimilated as much as possible to the case of other officers.

2685. Colonel *North.*] You are in favour, are you not, of a hospital for military officers, if they choose to avail themselves of it, of the same description as that at Haslar?—Yes; I think it would be a great advantage; I know many cases of officers who have been dreadfully wounded, spending large sums with surgeons in London, while naval officers who have been in the same condition have been in a very comfortable position, with every comfort provided for them gratis, and the greatest attention paid to them.

2686. You have known, have you not, many cases of junior officers who, with nothing but their pay to depend on, have arrived in this country from the Crimea desperately wounded, and whose position has been most painful owing to their being without the means of having comfortable lodgings, or of procuring those comforts or luxuries which their condition required?—Yes; they have been positively precluded from it; they have been obliged to live in lodgings looked after by careless servants, and without those comforts by which they ought to be surrounded, while the naval and marine officers are placed in a position of the greatest comfort, and are most carefully attended to, receiving the best possible advice without expense.

2687. It appears that in the army the rule is to send soldiers who become lunatic to their parishes, whereas at Chatham there is a lunatic asylum for sailors. What is your opinion with regard to providing a lunatic asylum for soldiers?—I think it would be a great boon to them; I have often heard bitter complaints made by the friends of soldiers who have become lunatic in consequence of the hardships they have experienced while on service, that they are bandied about and sent to their parishes and to the county hospitals without that care being taken of them to which their condition entitles them.

2688. Sir *John Trollope.*] Does not a difficulty sometimes occur in the case of soldiers who become lunatic, from its being impossible to discover where their parish really is?—I have known men kept on in hospitals from feelings of humanity for a long time, in order to avoid bandying them about to ascertain where they were at last to be sent to.

2689. Mr. *Percy.*] Have you any objection to the civil hospital, except as it affects the medical officers of the army?—I think it was a great discouragement to the military medical officers.

2690. Do you not think that the civil hospitals are to be considered as exceptional cases to meet a great and pressing emergency?—I think that the emergency might have been met without having recourse to them.

2691. Colonel *Kingscote.*] Do you think that the emergency arose from the pay to the assistant surgeons being so small that a sufficient number of them could not be secured at once?—I think that there is a great want of inducement to them to enter the service; in the cavalry, especially; every officer pays 1 *s.* 5 *d.* a day for the keep of his two horses; I think that the cavalry assistant surgeons ought to be allowed that; I think it is very hard upon them that they are not allowed that; they must have the horses.

2692. I understand you to say that your opinion is decidedly against the departments of the army, such as the hospital departments, being filled up by persons who have enlisted for that purpose?—Yes; I think it is much better to take them by selection from the ranks of the regiments themselves.

2693. Sir *John Trollope.*] Has your attention been called to the condition of the East India Company's officers as compared with that of the officers in Her Majesty's service?—I have no knowledge of that.

2694. You are aware, are you not, that there is great competition to enter into the one and not into the other?—I know that there is very little competition for entering into our military medical service; but how it is in the other case I do not know.

Major-General Lord *De Ros.*

2 June 1856.

2695. Are you aware that the rate of pay is greater in the East India Company's service?—I believe so.

2696. Are the medical officers ever allowed to practise on their own account?—Yes; I never knew it objected to or prevented.

2697. Colonel *North.*] The surgeons were allowed in the Crimea fodder for their horses, but no man to take care of them; to what cause do you attribute that?—There was the greatest difficulty in obtaining servants during the whole of the war; in the Peninsula there were always plenty of Portuguese and Spaniards to be had who did very well to take care of horses, but in Turkey it was hardly possible to get any servants; the French secured all that were to be had at Constantinople. I remember in my own case, offering 5 *l.* a month, with rations and lodgings, to a man to take care of my horses, and he did not stay with me a week.

2698. Mr. *Percy.*] Have regimental surgeons much time for private practice?—I think in a large town like Birmingham or Manchester, they have some hours in the day, which they may devote to private practice with advantage.

John Robert Hume, Esq., M. D., called in; and Examined.

J. R. Hume, Esq., M. D.

2699. *Chairman.*] WILL you be good enough to state to the Committee the extent of your experience?—I entered the service at the end of 1799, and I was placed upon the retired list in the year 1823.

2700. Had you any service in the Peninsula?—Yes; I was in the Peninsula during the whole of the war; that is to say, I went out with Sir John Moore's army; I landed in the Peninsula the day after the battle of Vimiera, I think, and then I went through the campaign of Sir John Moore, and came home with the 79th regiment, of which I was surgeon; and I was afterwards at the expedition to Walcheren.

2701. Were you in Egypt?—I was in Egypt.

2702. What position did you principally occupy in the Peninsula?—I was in the first instance regimental surgeon, and then I was put upon the staff in Walcheren. After that I went out as staff surgeon. I was appointed principal medical officer at Cadiz, where I remained a short time, and then I came back to the Peninsula and succeeded Mr. Gunning as surgeon to the Commander-in-Chief.

2703. Were you long surgeon to the Commander-in-Chief?—During the whole war after the year 1811, I think.

2704. How would you characterise the great difference between that war and this, with regard to the assistance given to medical men or their difficulties?—When an army is employed in a siege there is no marching or countermarching. I should suppose that if there is a town to be taken, or anything of that description to be done, the duties of a medical man would not be so severe as they are when there are long marches, unless the number of sick is very great.

2705. Do you consider the difference between roofed buildings and tents to be a matter of great importance?—Yes, it makes the greatest difference possible.

2706. That possibly would be one great feature of difference?—Yes.

2707. In the one case the army was never without buildings?—Scarcely ever; they were occasionally encamped; there is always a necessity for water and various things, and they were sometimes encamped in the Peninsula, at the end of a day's march, carrying their tents with them.

2708. Sir *John Trollope.*] They carried their sick and the appliances for the sick?—Yes; they carried a certain number of sick, those who had been recently taken ill upon the road.

2709. *Chairman.*] Do you think that you can deal with dysentery and diarrhœa while in a tent?—Not at all; you must do the best you can; if there is no rain it is a very different thing, there is always the dew over at night, and damp in a tent; the worst house is better than the best tent; but dysentery is not easily treated where you cannot keep up a good deal of warmth, and where you cannot make the patient perspire.

2710. Had you always hospital ships in the expedition?—In all the expeditions in which I have been there have been always one or two large ships fitted

J. R. Hume, Esq., M. D.

2 June 1856.

up as hospital ships, carrying doctors and medical stores, and various other things.

2711. Do you know under whose directions those ships were; had the medical officers the control of them as to their destination and time of sailing?—I suppose not; I have been on several expeditions where the ships accompanied the fleet; they were part of the convoy; they sailed with the ships in which the troops were embarked, and when any bad case occurred in the regiment to which I belonged, and where a difficulty arose in accommodating the patient to our satisfaction, we sent him on board the hospital ships.

2712. Were these hospital ships exclusively used for the sick?—Exclusively, and for the medical stores and comforts, such as wine, sugar, tea, coffee, sago, and a variety of things.

2713. Did you have long lines of ships, as the troops marched, in which to deposit the sick?—In the Peninsula the army was upon the frontier; that is to say, before the retreat to Lisbon, and after the French retired, it was again on the frontier; from Lisbon until we came to the frontier of Spain, we had a succession of hospitals, because the Duke ordered all the sick who were not likely to recover to be sent off, and they were sent off by mules that brought up our forage and other matters.

2714. Were those hospitals subject to frequent inspection?—Yes.

2715. By whom?—By various general officers, and sometimes by the Duke himself.

2716. Mr. *Percy*.] In Walcheren, how were the sick provided for; did you hut them or were they placed in houses?—They were placed entirely in houses; the number of sick that there were in the course of three or four days was beyond all conception; in the regiment in which I was, 300 men fell down in the course of two days; it was very difficult to provide for them; they all retired to Walcheren and Middleburgh; there were great hospitals at Middleburgh and various other small towns.

2717. Which was the worst period for sickness that came under your observation in the Peninsula?—We had no great sickness in the Peninsula after the retreat from Talavera; I was not present then. We had a great number of sick, but no epidemic disease. We had no fever, or very little.

2718. At the first landing at Montego Bay, there was a great deal of dysentery, was there not?—Not in the army I was with. Afterwards there was a considerable attack of English cholera, as we call it, owing to the men eating unripe grapes, and probably to exposure to the night air, and the hot sun, but we had no serious sickness.

2719. Sir *Henry Davie*.] Were you in Sir John Moore's retreat?—Yes, I was.

2720. And also in the retreat from Burgos?—I was taken ill at Madrid, and did not accompany the army to Burgos.

2721. Were there tolerable arrangements for the conveyance of the wounded and sick in those two retreats?—Yes; every division had five or six spring waggons. The great bulk of the sick had been sent off before. Those who were taken ill on the march, or those who were slightly affected, had their arms carried for them, and sometimes they were themselves carried in those spring waggons. We left none behind us, or at all events, very few.

2722. Had they frequently the means of being in cottages in villages?—With the exception of the last day or two's march, they were always under cover, but dreadful weather came on, and then the troops were dispersed here, there, and everywhere. I think we were four days getting from Salamanca to Ciudad Rodrigo. The army at that time did not march more than three or four miles a day.

2723. Sir *John Trollope*.] Were the sick carried on mules?—Yes; there was a general order that all that were sick, and who were not likely to recover, should be immediately sent off, and they were sent first to one place, and then to another on the mules that brought our provisions, and bullock carts, and various other conveyances.

2724. Sir *Henry Davie*.] Is there a great improvement in the present mode of conveying the sick and wounded to the rear?—I do not know what the present mode is.

2725. *Chairman*.] Were you fortunate in your regiment with regard to the treatment you adopted for the preservation of life?—Yes, very fortunate; they were

were fine young Highlanders; many of them were taken ill, but very few of them died. We buried no men in Walcheren.

2726. Did you know in the Peninsula of many cases of officers, who arrived fresh from England or elsewhere, being appointed over the heads of others who had been working there?—No.

2727. Was there any attention called, or has it been since called, to the question of confidential reports?—No, I never heard of it; I know that the general officer inspecting sends in a confidential report to the Commander-in-chief, but I do not know anything regarding the doctors.

2728. Do you not know that another confidential report is made to the Director-general?—No.

2729. Do you not know that it was generally done with reference to the army in the Peninsula?—I never heard of it in the Peninsula army; I suppose that the doctor's conduct would be mentioned, as well as the conduct of the other officers.

2730. You have heard the evidence of Lord De Ros?—Yes.

2731. But you were not aware of any other confidential report than that to which you have alluded?—No. As I understand Lord De Ros, there is now a confidential report, as to the conduct of the medical officers, sent to Dr. Andrew Smith; I was not aware of that before.

2732. Colonel *North.*] By the inspector of the medical department?—I should think it must be, but I never knew of it.

2733. Mr. *Percy.*] The government of the medical department, in your day, was by a Board?—Yes, there were two or three Boards; but they were found not to answer.

2734. *Chairman.*] And you think that it was with reason that they were abolished?—Yes.

2735. You would prefer the present machinery?—Yes, from what I know of it.

2736. You testify, at all events, to the failure of the Board?—Yes. There were three Boards formerly; there have been three different sets of Boards since I entered the service.

2737. Mr. *Percy.*] How many medical officers were attached to your regiment when you landed in Portugal?—Myself, and two assistants.

2738. Sir *Henry Davie.*] You have about a thousand men under you, have you not?—Yes; we took nearly 900 into Corunna.

2739. Colonel *North.*] And you think that for a thousand men you should have a surgeon and two assistant surgeons?—Yes, for the ordinary purposes of the regiment, that was quite sufficient.

2740. *Chairman.*] And not too much?—No.

2741. Colonel *North.*] Would you have that number both at home and abroad?—Yes, I think so. The great want that I felt in the case of sickness and in the case of wounds after a battle is the want of attendants.

2742. Mr. *Percy.*] You had two assistant surgeons at Walcheren, had you not?—Yes.

2743. And in Egypt also?—Yes; I was assistant surgeon myself in Egypt; I was in the Gordon Highlanders.

2744. Sir *Henry Davie.*] Who had the making up of the medicines in your time?—There was an order that the assistant surgeon should make them up, but it was difficult to get us to do it, and we endeavoured to teach the serjeant or some intelligent corporal in the regiment to help us.

2745. Did you find that any serious inconvenience arose from that?—Not as far as I was myself concerned; but there certainly have been very great mistakes committed in consequence of ignorant men dispensing medicines.

2746. Mr. *Peel.*] Should you suppose that most young medical officers, on their admission to the service, would know how to make up their own prescriptions?—Yes, I think so.

2747. As well as an apothecary?—Yes; they are generally persons who have studied Materia Medica. I heard what was said just now by Lord De Ros, but I think that unless a man is able to read and write he would be apt to commit great mistakes.

2748. Is there not some art in the order in which ingredients are mixed?—Yes.

J. R. Hume, Esq., M. D.

2 June 1856.

2749. The same ingredients, if mixed in a different series, will not produce the same medicine?—Not so well.

2750. And a medical officer ought to know that?—It ought to be so; they are examined on those subjects by the Medical Board here.

2751. Do you think that any hospital serjeant or orderly taken from the ranks would be competent to decipher a medical officer's prescription?—Certainly not, unless he has been instructed for a considerable time.

2752. Would he be able to do it, do you think, with such instruction as he would be likely to get in an hospital?—It would depend on the intelligence of the serjeant. You have generally an intelligent and clever non-commissioned officer, who might do it very well.

2753. But you have known serious mistakes made, have you not?—I have heard of their being made.

2754. Sir *James Fergusson.*] Do you think there would be any difficulty in instructing an intelligent non-commissioned officer how to dispense drugs?—I think he ought to understand a little Latin to enable him to read the prescriptions. Then, again, the figures which we make are very apt to be mistaken if they are not pretty clearly made. I think that unless a man is accustomed to them, he may take an ounce instead of a drachm, which might be of very serious consequence in many cases.

2755. *Chairman.*] Is there any absolute necessity for the prescriptions being written in Latin?—No; but it is the custom to write them in Latin.

2756. Mr. *Peel.*] Do all medical officers use the same abbreviations for Latin words?—I think they ought to do so.

2757. Do they in practice?—I think they do. All surgeons and physicians in this town use the same abbreviations.

2758. Might it not happen that a hospital serjeant would be perfectly well able to make out the meaning of the first syllable of a word which if written at full length he would be totally unable to understand?—Perhaps so.

2759. Therefore there is always the chance of his going wrong?—Yes, the best of us go wrong sometimes.

2760. Colonel *North.*] A hospital serjeant would soon get accustomed to the reading of his own medical officer, would he not?—No doubt. I know that my hospital serjeant made up medicines as well as anybody could, but he had been apprenticed for some time to a chemist; that, of course, was an accidental circumstance.

2761. But among a thousand men you find persons, do you not, who have been brought up to every kind of trade and profession, including chemists?—Yes; but I was surgeon to a Highland regiment, and the Highlanders are not much given to those pursuits.

2762. Mr. *Peel.*] Do you think it important that the assistant surgeons should have had such a training as persons would have in a chemist's shop?—I think it would be very important.

2763. Setting aside the question of their receiving commissions, you would approve of that measure?—Yes.

2764. Sir *Henry Davie.*] You think that would be preferable to employing non-commissioned officers?—I think so.

2765. Would you not consider the personal responsibility of the surgeon of the regiment a sufficient guarantee?—There are two assistants and a surgeon; if they would personally superintend the man making up medicines, no doubt they would be as well made up by a man who knew nothing about the matter as they would be if made up by themselves; but they ought to superintend and see that he weighs out the proper quantities.

2766. Do you not think their being made personally responsible would be a sufficient guarantee?—I fancy it is not found to be so.

2767. Mr. *Percy.*] Are you aware that it is the custom in the Guards to employ such persons as have been referred to?—But the assistant surgeon is there also.

2768. Colonel *North.*] If you were the surgeon of a regiment, would you prefer to have a person under you in the hospital who had been accustomed to military discipline, and who had been bred up in the regiment?—I think I should prefer him to a civilian.

2769. Mr. *Peel.*] But every person in the army is in point of fact taken from civil life, is he not?—Yes, in the first instance.

2770. Therefore

2770. Therefore a civilian dispenser soon learns military discipline?—Yes.

2771. Colonel *North.*] How can he learn military discipline in a dispensary?—He is in and out.

2772. *Chairman.*] Do you find that soldiers like regimental or civilian hospitals best?—I think they prefer the regimental hospitals; I may say that I think the first part of a military officer's education should be in a regiment.

2773. Why do you think so?—Because they learn there the habits of the men, and understand how soldiers live.

2774. Colonel *Kingscote.*] Do you think that if a civilian is put into a regiment to act as dispenser, with pay equal to that of an assistant surgeon, there would be any jealousy created?—There might be some little jealousy, certainly.

2775. He probably would have come from an inferior position to that from which the assistant surgeon would have come?—Yes; I think they should not be so well paid.

2776. Mr. *Percy.*] Is not the office of dispenser one of a good deal of trust?—I should say so; he ought to be a very steady person.

2777. Would it not be an advantage, do you think, to employ a man who had been long in the regiment?—There is no question about that, and if he had received a good education, it would fit him for understanding medical pursuits. I think that all medical men should be well instructed in Materia Medica, and with the appearance of certain medicines, so as to be able to distinguish them.

2778. *Chairman.*] Were any honours or medals given to the medical officers in the Peninsula?—No, none at all; they knighted M'Gregor, and then made him a baronet, and Sir Robert Kennedy was also knighted.

2779. Colonel *North.*] Were they mentioned in the despatches?—Yes, they were mentioned.

2780. But there was no result from it?—They were mentioned by the Duke after the battle of Salamanca, and after the battle of Vittoria, and other battles.

2781. But beyond being mentioned in the despatches they received no benefits?—No; they were mentioned generally, not particularly.

2782. *Chairman.*] What is your present public office?—I am a commissioner in lunacy.

2783. Have you visited Coton Hall?—Yes.

2784. Will you state what that is?—It is a beautiful building on the top of a hill; it is laid out for the reception of insane persons, with grounds all about it.

2785. Are lunatic officers received there?—All the lunatic officers in the army are there, I believe, at present, or the great bulk of them.

2786. Colonel *North.*] Are any other persons there besides officers?—Yes, various other persons.

2787. The establishment is not purely military, then?—No. The establishment at Yarmouth, which we had just got into some kind of order, was taken from the army and returned to the sailors.

2788. And that establishment never has been used by the army since?—Not as an army hospital; and then we were very glad to get the officers taken into Coton Hall.

2789. Where is that?—Near Stafford; it is a beautiful place, and admirably fitted up.

2790. *Chairman.*] Have you visited also the Bow hospital?—Often; the common soldiers are there.

2791. Colonel *North.*] Who pays for the officers?—The Secretary of State for War; he is the guardian of the insane, I think.

2792. *Chairman.*] Do you think that military discipline is of any use among insane soldiers?—I do not know; they fall in and march about. It is a great principle in the treatment of lunatics to occupy them as much as possible. It is difficult to get soldiers to dig and work, and the best way of managing them is to drill them, and move them about.

2793. Then it must be a great advantage, must it not, to have military surgeons about them?—I do not know; the treatment is very simple. They have a drill-serjeant at Bow. The East India Company's soldiers are all in an establishment that they call Pembroke House at Hackney, kept by Dr. Williams.

2794. Is that peculiarly for the East India Company's soldiers?—Entirely.

2795. Do you think it would be advantageous to have a lunatic asylum for

J. R. Hume, Esq., M. D.

2 June 1856.

soldiers alone?—I think it would be; but I believe there are various difficulties in the way. There are not a great number of them.

2796. But if there is one for the navy, and for the soldiers belonging to the East India Company, do you not think there ought to be one for a great army like ours?—Dr. Williams' house, where the East India Company's soldiers are, is a private asylum. I was physician for several years to the East India Company, and we endeavoured to get them to build a hospital, but they demurred at the expense.

2797. There are no other persons there besides the East India Company's soldiers, are there?—Soldiers and officers; there are perhaps two or three others. Some of the wives of officers in the service of the East India Company are there also.

2798. Colonel *North.*] Was the establishment at Yarmouth intended for officers in the army as well as for private soldiers?—Both for officers and privates.

2799. How many patients did it accommodate?—I forget at this moment; but I think there were 20 or 30 officers, and 60 or 70 men.

2800. Sir *Henry Davie.*] Is the East India Company's asylum, to which you have referred, intended for civil as well as military servants of the Company?—I think that the civilians, being richer, generally go somewhere else.

2801. Are the medical officers who are in charge of that asylum, military medical officers?—No; Dr. Williams is a graduate of Cambridge or Oxford, and besides that there is an apothecary.

2802. Sir *James Fergusson.*] Were there any medical officers found fault with, during your experience in the Peninsula, for neglect of duty?—I do not recollect any one instance of that kind; we had some very accomplished men in the army.

2803. Had you any difficulty in getting a sufficient number of medical officers for the army?—At times we had a great want of medical officers, but at other times we had more than enough.

2804. Was it ever found necessary to bring in civilians to make up the proper number?—No.

2805. Mr. *Percy.*] You had not a sufficient number at Walcheren, had you?—No.

2806. How long did the deficiency continue?—The epidemic did not break out until we had been there 21 or 22 days, and then there was a great rush of sick.

2807. How long did that last?—Three weeks, or a month.

2808. And during that time you were deficient?—Yes.

2809. Were no more sent to you from England?—Yes, they came out by degrees.

2810. Were there any civilians among them?—I do not recollect any, but there might be some for all that; there were a great many civil medical officers employed.

2811. But none were with you in the field?—No. Some of them were militia assistant surgeons, and some of them had just left the college. Then there were physicians; Dr. Turner, and various other men who were distinguished physicians in this town. That was a time of very great pressure and great sickness.

2812. Colonel *North.*] Do you think that we have a sufficient number of medical officers for our army now, or do you think that the paucity of their number prevents them from getting such leave of absence as they ought to have?—I do not know; I think that a regimental surgeon and two assistants are sufficient, under ordinary circumstances, for 800 or 1,000 men.

2813. It has been stated in evidence that if a military medical officer is ill and obliged to leave for a time, he is liable to be put on half-pay at the end of two or three months, and that owing to the small number that there are in the service, no leisure time can be allowed for his recovery; what is your opinion upon that subject?—When any sickness among the medical officers occurred with us there were assistants sent from the staff; I myself was once sent to the 6th Regiment when the surgeon was sick.

2814. Even in home service there is very great difficulty in a surgeon getting leave of absence at all, is there not?—Yes; but still they do get leave.

2815. But

2815. But that is very seldom, is it not, and not in proportion to the leave given to other officers?—I do not know.

2816. *Chairman.*] Did they get leave of absence much in the Peninsula?—No.

2817. The Army medical profession is divided into certain grades, is it not?—Yes.

2818. What were those grades in the Peninsula?—There were, I think, two or three inspector-generals, and then there were deputy-inspectors, and staff surgeons.

2819. Did the inspectors perform operations or prescribe?—I did, and so did Mr. Guthrie, when I was inspector; but I do not think it was done generally.

2820. What was the highest rank of persons who performed operations?—I do not know that any of them were of higher rank than myself. I do not think that M'Gregor or Dr. Ferguson ever did.

2821. Yours and Mr. Guthrie's were excepted cases?—Generally speaking, they did not interfere much.

2822. Colonel *North.*] Do you think that the shortcomings which occurred at the commencement of the war in which we have recently been engaged were attributable to the system?—I cannot understand what was the cause of them. I think that the army was placed in very difficult circumstances during the siege of Sebastopol; but what the cause of the want of medicines was, I cannot at all understand, unless it be that they were badly embarked.

2823. Do you think that the system was to blame in any way?—I do not apprehend that it was the system. It must be borne in mind, however, that they had done away with the purveyors and with the apothecaries, so that from a class of men who were in my time very useful the army in the Crimea had no advantage.

2824. In that respect you think the system was wrong?—Decidedly.

2825. Mr. *Peel.*] There were apothecaries in the early part of the campaign when the army left England, and at Scutari, were there not?—I do not know.

2826. Mr. *Percy.*] And there was a purveyor at Scutari also, was there not?—But they were men without experience.

2827. Colonel *Kingscote.*] Are you aware that Dr. Smith stated that it was the system that was the cause of the failure which occurred?—I am not aware of it; indeed I do not know that there was any failure. The sickness that occurred was beyond all parallel, and beyond anything that the medical officers or the commanding officers could expect to meet with. It was a blast of pestilence, or something like it.

2828. It was something like what occurred at Walcheren?—Yes; not quite so bad, perhaps, as regarded the nature of the disease; but still it was very fatal.

2829. Mr. *Percy.*] Had you at Walcheren any mortality amounting to 90 a day?—Never.

Captain *George Bunbury*, called in; and Examined.

2830. *Chairman.*] WILL you state what is your present position?—I am staff captain in charge of the depôt of the medical staff corps.

2831. What were your instructions on assuming that office?—They were not very definite.

2832. Had you any written instructions to guide you?—None.

2833. How, then, were you appointed?—My instructions were merely to organise, clothe, and equip the corps as recruits came in.

2834. Have you no written document to show that?—No, I have not.

2835. Were you appointed after a personal interview with any one?—Merely with the military secretary, who stated that I was to go down to Chatham as the depôt officer of the medical staff corps.

2836. And you were furnished with no written document?—No.

2837. And no particular instructions were given to you?—No.

2838. What is your pay now?—My pay is 12*s.* a day as captain, and 3*s.* as command money.

2839. You have no particular pay for executing the duties of this office?—No.

Capt. *G. Bunbury.*

2 June 1856.

2840. Will you state what your duties are?—Principally those of a commanding officer, adjutant, and quartermaster of a regiment.

2841. Do you receive these men from the War Office?—I receive them from the recruiting districts.

2842. You do not recruit them yourself?—No.

2843. Are they recruited by persons under you?—They are not; they are recruited in the different districts, subject to the approval of the medical officers.

2844. Are they recruited by a recruiting serjeant in the army?—They are.

2845. When they come to you, are they finally engaged?—They are finally approved after they come to me; the same as any other recruits in the army.

2846. And is the bounty that is paid the same?—Just the same.

2847. When is that paid?—After they have been finally approved by me.

2848. What are the stoppages from their bounty money?—The same as they are in other branches of the army. By the late warrant they come under the same regulations as the rest of the army.

2849. Will you state what the amount of the bounty is?—The bounty was 8 *l.*

2850. And what was the amount of the stoppages?—About 3 *l.*

2851. For what are those stoppages made?—For necessaries for the men.

2852. Of what description?—A knapsack complete; shirts, stockings, hold-all, knife, fork, and spoon, a shaving-brush and razor; the same kit as the rest of the army.

2853. What course of probation do they undergo?—After they were finally approved and clothed by me they were sent to the hospital for instruction, and there they generally remained for about a fortnight to receive some sort of instruction as to their duties in the hospitals; at the end of that fortnight the Board sat to see whether the men who were brought before them were conceived by the medical officer under whom they were instructed to be eligible for the corps.

2854. Did the Board take the decision of the medical officer as final?—They did.

2855. Was the bounty paid before that decision was given?—It was.

2856. Have many men been dismissed as ineligible subsequently to receiving the bounty money?—In the first enlistment there were a great many; but in the subsequent enlistment there were very few.

2857. Mr. *Percy.*] Can you state the number?—In August 1855, 993 men enlisted, out of which 524 were conceived ineligible, and were not approved by me, and therefore they did not receive their bounty.

2858. For what reason were they considered ineligible?—Because they could not read and write, and because of their general appearance.

2859. *Chairman.*] To what expense was the country put in those cases?—I cannot say. They did not receive their bounty, as I did not finally approve of them.

2860. All that was expended upon them, then, was the expense of their travelling?—Yes; out of those 524 I have mentioned, 350 were enlisted for the Land Transport Corps.

2861. What were the different qualifications that made the men eligible for the one service and not for the other?—For the medical staff corps it was supposed to be necessary that a man should be able to read and write, and that he should be generally intelligent.

2862. Colonel *North.*] Was there not negligence in enlisting men who turned out afterwards to be unable to read or write?—I do not know about that.

2863. What was their pay?—At first it was 2 *s.* a day, but by the second warrant it was reduced to the pay of a second-class orderly, who only receives 1 *s.* 3 *d.*

2864. Colonel *Kingscote.*] Did the men of whom you did not approve receive their enlistment money?—They did, but not their bounty.

2865. Sir *James Fergusson.*] How long was a man required to be in the corps before he was allowed to go as orderly in the hospital?—About a fortnight.

2866. Then you had not much opportunity of judging of his character?—No.

2867. Colonel *North.*] Was he bound to bring you a certificate from a clergyman

man or justice of the peace as to his character?—At first he was not; but on the second enlistment no man was allowed to join the corps without a written character.

2868. *Chairman.*] Can you state how many men who had received their bounty money were subsequently dismissed?—I think perhaps five.

2869. Not more?—Not more than five; there were two men discharged the other day for general misconduct.

2870. What means of punishment have you?—The same as in the army.

2871. Can you flog them?—Yes; they come under the Articles of War.

2872. How are they discharged?—The same as other men; by the authority of the Commander-in-chief; they are in every respect soldiers.

2873. Are they drummed out?—They could be; they are in every respect liable to the Mutiny Act and Articles of War.

2874. What is there to prevent men who having enlisted have been dismissed, as you say two men were the other day, from enlisting again; are they branded?—No. There would be no objection to those men enlisting for the army if their height admitted of it.

2875. Would that be the case if they were badly-conducted men?—There are no means of knowing that.

2876. Would those men to whom you have referred have been discharged from any regiment with which you have served?—Certainly not.

2877. What would have been their punishment?—Their time having been so short, and their behaviour so bad in that short time, I do not know what it would have been. They would have been subjected to much more stringent measures than they were with us.

2878. Colonel *North.*] What was the nature of their offence?—Drunkenness generally when in charge of the sick.

2879. Have any members of this corps been flogged?—None.

2880. Would the case of these men have been met in the regiment by flogging?—I think not; they were discharged because, being drunken characters, it was not considered fit that they should have charge of the sick; had they been ordinary soldiers, they would have been brought to their bearings in some other way than by discharge.

2881. Sir *James Fergusson.*] How many men who have been sent as orderlies have been returned on your hands for misconduct?—Only three; others have been sent to me for misconduct, but not to such an extent as to require their discharge. At this moment there happen to be some few men at the depôt who are better behaved than others, and therefore they have the benefit of having their rations free.

2882. You say that only three orderlies have been discharged for misconduct?—Only three.

2883. Have you received any report as to the rest?—I receive a report fortnightly and monthly; it is to be fortnightly; I cannot say I have actually received it yet; hitherto it has been about every month, and their conduct, generally speaking, I consider good.

2884. Do you find that you can enforce discipline?—Yes, certainly.

2885. As well as you could expect to enforce it with soldiers in the same position in the Line?—Yes.

2886. Sir *Henry Davie.*] Have you had many cases of desertion?—Yes, a great many.

2887. How have the men been punished in those cases?—If they have been absent more than five days they have been tried by a court martial.

2888. Is the system of marking with the letter D carried out?—Yes.

2889. *Chairman.*] Do you find that any Crimean soldiers volunteer for this corps?—A great many volunteered for the "Tadmor" and "Soldana" hospital ships soon after the army went to the East; I believe that these men were allowed in the first instance to volunteer their services provided their conduct was good.

2890. For what reason were there so few?—I cannot say.

2891. Was there any disinclination at head quarters to re-admit them?—I am not aware that there was.

2892. Were those that you did admit perfectly sound in limb?—I believe so.

2893. Colonel *North.*] Would you look over a second offence, in the case of

Capt. *G. Bunbury.*

2 June 1856.

a man who got drunk when in charge of the sick?—I never looked over a single offence.

2894. Would you not get rid of him altogether, if he committed a second offence?—No; the men I have referred to, were discharged after a fifth or sixth offence.

2895. Are such men, in your opinion, proper persons to be about the sick?—I do not think they are.

2896. Colonel *Kingscote.*] I understand you to have said, that if a man is dismissed from your corps, there is nothing to prevent him from enlisting in any other?—No, provided he comes up to the standard.

2897. I suppose the men you employ are men of some strength?—They are supposed to be able to lift a sick man out of bed, and to put him in again.

2898. When you approve of them, do you generally consider that?—Yes, I look to that particularly.

2899. *Chairman.*] I think you say you have only had 900 altogether?—Yes; I have had 1,203, but in one month there were enlisted 993, and I had them on my hands at once.

2900. How many have you now?—I have now actually at the depôt about 103; that is including all casualties.

2901. Have you any officers under you?—I have an officer who is the paymaster, but he is not able to render me any assistance as to the regimental duty, and I have had that all on myself.

2902. Have you non-commissioned officers?—I have now one man who came from the Line, and who was a steward.

2903. Is that all you have with upwards of 100 men?—Yes.

2904. Do the men attend parades?—Yes, three times a day, which I also attend myself.

2905. If you are absent, as you necessarily are to-day, there is only one person in charge of the men?—My assistant, who is the paymaster, is present to do whatever may be required.

2906. Colonel *Kingscote.*] Can pensioners enlist with you?—They cannot.

2907. Colonel *North.*] How did you manage when you had 900 men?—More by good luck than good management, I fear.

2908. Colonel *Kingscote.*] Do you know what was the expense incurred in the case of those men who were discharged not having received their bounty money?—I think about 1 *l.*

2909. Colonel *North.*] It would be a great advantage to you, would it not, if you had men to assist you?—Of course it would.

2910. Sir *James Fergusson.*] Had the men who were brought to you from the recruiting districts any previous knowledge of the treatment of the sick?—No.

2911. During the fortnight that elapsed before their going to the hospital, did they receive any instruction with regard to the treatment of the sick?—Yes. Just at that moment the cry out in the East for these men was very great, and the requisitions that were made to us were very pressing, and under those circumstances it was conceived that a fortnight would be sufficient to give them a general insight into their duties and to embark them. During seven months I embarked upwards of 800 men.

2912. What is the age of these men?—From 20 to 30.

2913. *Chairman.*] Do you receive accounts of their conduct from time to time?—Yes.

2914. You are not enlisting many men now, I suppose?—No, I am not.

2915. Colonel *North.*] You do not enlist old soldiers?—No; on account of their age.

2916. Are there not many young men who have purchased their discharge from the Line, and persons, who after a certain service have got their discharge, who would be very useful in your department?—Yes; but I think that the habits of old soldiers are bad.

2917. But there are many young men, are there not, who having purchased their discharge, would be glad to get back to military life, and whose services would be very useful to you?—Yes.

2918. Could you take them into your corps?—There would be no objection to it.

2919. *Chairman.*] It is entirely at the discretion of the medical officer, is it not, to reject a man or to approve him?—Quite so.

2920. You

2920. You have no voice in the matter?—Very little.

2921. Colonel *North.*] Do the parties get bringing-money for enlisting these men?—Yes; just in the same way as for men who are enlisted in any other corps in the service.

2922. I understand you to say there were no instructions given that it was necessary before men could be enlisted into your corps that they should read and write?—Not in the first enlistment; in the second that instruction was given.

2923. Mr. *Percy.*] In the first enlistment was there no list of qualifications given to you?—No.

2924. *Chairman.*] In the discharge of your duty you have nothing to do but to obey the dictum of the medical officer?—Certainly.

2925. When you send a man for approbation, it is for the medical officer to determine whether he is fit for the service or not?—Certainly.

2926. And you in no case contravene his decision?—I am a member of the Board.

2927. But practically speaking the decision of the medical officer has always been final?—Yes.

2928. Colonel *North.*] Is the inspection of the medical officer very stringent?—I cannot say.

2929. Is it the same with regard to your men as it is with regard to recruits in the army?—Just the same.

2930. Colonel *Kingscote.*] Do your men get pensions by right after 10 years' service?—They do.

2931. *Chairman.*] I think you say their pay is 2 *s.* a day?—For a first class orderly; for a second-class orderly it is only 1 *s.* 3 *d.*

2932. Sir *Henry Davie.*] Do you ever receive men who had lost a finger, or received any other injury that would incapacitate them from serving in the army?—We never have done so.

2933. Would there be any objection to it?—No.

2934. Colonel *North.*] Do your men wear a uniform?—Yes.

2935. Is it a red coat?—No; a blue tunic, with red facings.

2936. *Chairman.*] Do you approve of the undress?—I must, for it was my own suggestion. I have always found that a shell jacket worn by a hospital orderly is most useless: first of all, he never goes about with it, except thrown open; whereas the blue smock that is given to them, they are able to put over anything they like that is warm; it has pockets in it for carrying about lint, or anything that may be of use; and for the general drudgery of the hospital I conceive it is much more useful than the jacket.

2937. Colonel *North.*] Is your bounty the same as in the Line?—Just the same.

2938. Have they necessaries provided for them?—Yes; they are equipped in every way the same as the rest of the army, but without arms or accoutrements.

2939. Colonel *Kingscote.*] What are the pensions that they get by right after 10 years' service?—I cannot tax my memory, as I have not one of the warrants with me.

2940. Sir *James Fergusson.*] Do you think that if your corps were filled up by good soldiers from the Line, it would be easier to teach them than it is to teach the men you have at present?—It would not be so easy, I think, to teach them. The class of men I generally get is much more intelligent than that out of which soldiers of the Line are enlisted.

2941. Sir *Henry Davie.*] In the Line, they do not care whether a man can read and write, or not?—No; but the men we enlist must be able to read and write.

2942. Sir *James Fergusson.*] Might you not select from the Line men who can read and write, and take them into your corps?—I doubt whether soldiers of the Line would like the duty.

2943. They get double pay, do they not?—Yes.

2944. And their duty is no more than that of an orderly?—No; but it is a very unpleasant duty, generally speaking, and a great confinement. An hospital orderly is always on duty; he has not his evenings to go out like a soldier of the Line; in fact, he has not an hour he can call his own.

Capt. *G. Bunbury.*

2 June 1856.

2945. Mr. *Percy.*] Has he no time whatever?—None whatever; I suppose that arrangements will be made to allow him some indulgence in future.

2946. Colonel *North.*] How are the 100 men in your corps occupied at Chatham?—Just at this moment I have only 60 fit for duty; I have three in the hospital for instruction; that is, going through their probation; and I have four recruits; one man is the steward major, another is a quartermaster-steward, another is paymaster's clerk, and another is my clerk; but these men, when the staff is appointed, will be eligible for their own proper duties. I have 22 sick; I have five prisoners, one in barrack cells, and seven in district military prisons, men who have been tried by courts martial for absence without leave and desertion. Those 22 are men who have been sick before; a great many had embarked for the East; on the 1st of April I embarked 288.

2947. Do you not think that five prisoners is a great number, considering they are a superior class of men?—Yes; but I never overlook any misconduct on their part, and that swells the number.

2948. Colonel *Kingscote.*] Is it possible for a man who has been discharged for misconduct to present himself at another station, and thus to create more expense?—Not for admission into this corps. There was an instance of one man who had been discharged enlisting again, and when he came to me I had him punished as a rogue and vagabond.

2949. Sir *James Fergusson.*] Would you admit any man to a responsible office, either in a hospital or elsewhere, after only a fortnight's service?—Not generally speaking.

2950. And you have no better means of judging of the character of these men after a fortnight's service than they have in a regiment of the Line?—No.

2951. Mr. *Percy.*] Under whom are they placed when they are employed in the hospital?—Under the principal medical officer of the hospital.

2952. Colonel *North.*] How are the 60 men occupied at present, who you say are fit for duty; have they any occupation?—None.

2953. Are they not to assist in the hospitals?—When the number of sick in the hospitals is so great as to require extra assistance, a requisition is sent for them.

2954. Will they remain idle, then, until some of them are sent abroad?—Until they are wanted. In the meantime I find employment for them in the best way I can, making a kind of soldiers of them; that is, setting them up, and teaching them to salute, and so on.

2955. But they are not employed as hospital assistants?—No; because the hospitals at present are sufficiently supplied.

2956. Mr. *Percy.*] Could they not acquire some knowledge of what they may have to do by attending in hospitals as supernumeraries?—I cannot say.

2957. You think it is better that they should be doing nothing?—No, I do not think that.

Jovis, 5° die Junii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Colonel Kingscote.
Mr. Bellew.	Mr. Leveson Gower.
Colonel Boldero.	Mr. Legh.
Sir James Fergusson.	Mr. Percy.
Sir Henry Davie.	Sir John Trollope.

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

John Ashton Bostock, Esq., Surgeon, Scots Fusilier Guards, called in; and Examined.

J. A. Bostock, Esq.

5 June 1856.

2958. *Chairman.*] YOU were in the Crimea?—I was.

2959. When did you leave England?—I left England with the battalion in 1854.

2960. Were you with the battalion at Varna?—In Bulgaria, and on landing in the Crimea.

2961. Did

2961. Did you accompany them across the Black Sea?—Yes, and in all the marches that took place.

2962. When did you leave the Crimea?—I was invalided in consequence of a severe fever in April 1855.

2963. You gave answers to the questions which were proposed to you by the Commissioners in January 1855?—In December, I believe; they were written in December, at all events.

2964. Your reply to those questions, I see, is dated the 1st of January?—Yes.

2965. Have you since that time looked over those replies?—Yes; I looked over them yesterday.

2966. On the whole, do you still adhere to the opinions which you then expressed?—I do.

2967. You see no reason to alter them?—No; I considered the matter very carefully at the time, and nothing has since occurred to induce me to alter the opinions which I then expressed.

2968. Is there any point referred to there with regard to which you wish to be questioned, in order to give you an opportunity to modify anything which you then stated?—No.

2969. What was your position in the Crimea with regard to superintendence; in what position did it differ from your position as one of the surgeons of the household troops here?—My position was the same.

2970. Were you under the superintendence of Dr. Hall there?—We made a daily statement of the number of sick for the information of Dr. Hall.

2971. Was your hospital inspected?—No, it was not; none of the hospitals of the brigade were inspected.

2972. To whom did you apply for medical comforts, and so on?—To the superintending staff officer of the division, Dr. Linton.

2973. Did you always find that there was a sufficient supply?—The supplies very frequently failed.

2974. Did you use dispensers in your regiments abroad in the same way and upon the same plan as they are used in your hospitals at home?—The same system was carried out in the Crimea as is carried out at home.

2975. Did you ever find any difficulties to arise from that system?—None at all; on the contrary, I think it has many advantages.

2976. Will you have the goodness to state what, in your opinion, those advantages are?—One advantage is that, by educating corporals and others, you produce a succession of men in the ranks who are always able to undertake the duties of dispenser and hospital steward when the regiment requires their services in that capacity.

2977. Had you any instance of a dispenser who fell ill, and who was succeeded by another?—Yes; that occurred three times in the East, and we had men in the ranks who were ready at once to take their places; they had been educated in England, at the regimental hospital, and were, therefore, fully prepared and qualified to take upon themselves that duty.

2978. Colonel *North*.] When did your wants begin in the East?—We began to experience difficulty in Bulgaria; when we were there we felt the want of medicines and medical comforts.

2979. Are you aware that Dr. Hall stated before the Military Commission that was sent out that there was no want of splints and supplies of all kinds after the battle of the Alma?—The answer which I gave just now was with reference to the state of things in Bulgaria.

2980. Are you aware that Dr. Hall stated in his Evidence that there was no want of splints and other supplies of all kinds after the battle of the Alma?—I saw his Evidence this morning; I do not agree with him in that particular; the splint that I wanted I could not obtain.

2981. With regard to other supplies, were they forthcoming as much as was requisite?—We had very recently come from on board ship, and I had taken the opportunity of supplying my regimental store with everything that I thought requisite; I do not think, however, that there was any general deficiency of supplies at that time.

2982. *Chairman*.] Did you apply in more than one instance for splints which you were unable to obtain?—I applied verbally only to Dr. Linton for the splint I required, and I was told that there were none of that kind.

J. A. Bostock, Esq.

5 June 1856.

2983. Colonel *North*.] Was that a very necessary kind of splint?—It was one of a kind that I should have preferred to use; it was a long splint that I wanted to use for an officer in a case of fractured thigh.

2984. Those were things that ought properly to have been with you?—I think it would have been very desirable if they had been there.

2985. Had you any amputation table, or anything of that kind?—No, we had not; in my field hospital I found, in a building in a vineyard where the action commenced, a rude table, which I adapted to the purpose.

2986. Would there have been any difficulty in carrying that sort of table with you?—There would have been great difficulty in doing so, because we had no transport.

2987. If there had been a proper transport, would there have been any difficulty in having a sort of portable amputation table?—If there had been a sufficient transport that might have been done, and such a table would have been very desirable.

2988. Had they such in the French army?—I do not know; they were not deficient in the means of transport.

2989. *Chairman*.] Do you think they were superior to us with regard to their preparations for service?—Very much so indeed; I am alluding entirely to their means of transport.

2990. Colonel *North*.] Were any superintending medical officers employed to inspect your hospitals in the East?—No; I have already stated that they were not inspected.

2991. Were any of your requisitions curtailed?—Frequently.

2992. Was there any reason assigned for that?—It was said that there were not the things I required in store; or rather, I will not say that, there were none in store; but that, if my requisitions had been complied with in full, other regiments would have suffered, and therefore I was satisfied to receive my fair proportion.

2993. According to that statement it would appear that the supplies generally could not have been very ample?—I am not speaking of the time after the battle of the Alma; there we had sufficient; I am alluding to the epidemics that occurred in Bulgaria, the cholera, and the subsequent fever and disease that prevailed in the camp at Sebastopol.

2994. Did you find any want or difficulty in the East in consequence of not having a superintending officer over you?—Not the least in the world. I do not think that any superintending surgeon could have assisted us; the difficulty arose from the things we wanted not being in store; there was no indisposition to give us the things we required, but they had not got them there.

2995. *Chairman*.] Had you any communication with any superior officer, or with any officer of higher rank than yourself?—I was acquainted with Dr. Linton and Dr. Hall, and I had frequent communications with the former; but I had no communication with them of an official kind except in answer to my requisitions.

2996. Colonel *North*.] Has the Director-general any control over you?—None whatever.

2997. *Chairman*.] Had you dispensers when you were in India?—In the Indian army there is an educated class of half-casts who supply the domestic wants of the hospital; they do the duty of dispensing, cooking, orderlies, and the steward's department.

2998. Did you find that system work well in India?—Yes, it is very suitable to the Indian climate.

2999. Do you think that that could be used with advantage as a precedent for the establishment of a similar corps here?—I think not, because in India, in other parts of the regiment, similar duties are performed by natives; each company of an European regiment maintains its own shoeblacks, and so on, and in cavalry regiments the horses are groomed by natives; I think you could hardly expect soldiers to undertake the duties of orderlies in hospitals.

3000. You consider, then, that the system which was found to work well in India would not necessarily work well in this army?—I should think the introduction of civil officers in our hospitals would be extremely injurious; I should be extremely sorry to see any dispenser or civilian introduced into the hospital of my regiment with a rank superior to that of the hospital serjeant.

3001. Colonel *North*.] Do they rank as officers in India?—No; certainly not.

3002. They

3002. They are more like warrant officers?—Yes.

3003. *Chairman.*] Do you consider that the position occupied by a hospital serjeant is an important one?—Certainly; so much so that I would improve his position.

3004. In what respect would you improve his position?—I would increase his rank and his pay; I think that would be a great advantage. I would make him equal to the other staff serjeants of the regiment; I would make him equal to the quartermaster serjeant; I would leave the whole discipline of the hospital in the hands of the hospital serjeant.

3005. On the whole, having seen service in the hospitals of our household troops here, and also having been with them in the Crimea, do you think that the system of dispensing in their hospitals could be extended to other regiments, and was that system satisfactory in the field?—Perfectly so; we never had the slightest difficulty; under very trying circumstances, that part of our system never failed.

3006. Had you no difficulty about orderlies?—Once or twice we had a little difficulty, but I much prefer keeping our system of orderlies to introducing any other class of individuals; I form my opinion from what I have seen in my general experience; I prefer the system that we have at present of employing soldiers as orderlies to the introduction of civilians.

3007. Colonel *North.*] Do you think you would have any difficulty in selecting from the ranks a sufficient number to perform the duty?—No; in the most difficult period of the campaign, when it was a service of danger to be an orderly, we had no lack of volunteers, and if a slight addition were made to their pay, we should have no difficulty in getting orderlies to any amount; a perfect understanding with the commanding officer is necessary, of course, and that I always enjoyed to the fullest extent.

3008. Do you think that, if the number of inspectors and deputy inspectors were increased, the rank of surgeon of the first class might be done away with with advantage?—I do not quite understand the question.

3009. If the number of inspectors and deputy inspectors were increased, could the rank of surgeons of the first class be abolished with advantage?—I have very little experience on that subject; my service in the line, where this rank exists, has been very limited, and I do not feel competent to give an opinion upon the subject; I think that, as a general rule, what is most desirable is working medical officers with less superintendence.

3010. You do not think that a surgeon and two assistant-surgeons are too many for a regiment of a thousand men, do you?—No, I do not think they are enough.

3011. *Chairman.*] What is the complement of surgeons in your regiment?—A surgeon-major, a battalion surgeon, and five assistants; seven altogether; the number has been increased since the war.

3012. Colonel *Kingscote.*] Is that for two battalions?—Yes.

3013. Sir *Henry Davie.*] Would you have any increased number during a time of war?—We had a large increase during the war.

3014. During peace, do you consider it necessary to have that number?—I think that our numbers before the war were far too small; the duty could just be done, but it was very hard work.

3015. Should you consider a surgeon and two assistant-surgeons are requisite in a time of peace?—I think so; I think each battalion should have that.

3016. *Chairman.*] Do you find your own instruments?—Yes.

3017. What may be the value of a set of instruments?—From 17 to 20 guineas.

3018. Is there any allowance made to you for your instruments?—No.

3019. Was there in the line?—The regulation is, that every surgeon must provide his own instruments.

3020. Mr. *Leveson Gower.*] Is not that a recent regulation?—I think it has been in force ever since I have been in the army.

3021. *Chairman.*] Supposing there to be any newly-invented instruments, would you either have to buy them at your own expense, or else would you have to operate with your old instruments?—I believe that at present more liberality exists on the part of Government, and that we should be furnished with them if we showed that they were necessary; but if they were refused, we should have no alternative but to get them at our own expense.

J. A. Bostock, Esq.

5 June 1856.

3022. Colonel *North.*] You would not receive them from the Government as a matter of course?—No; I am not aware that we should.

3023. Is your promotion by selection or by seniority?—By seniority.

3024. Sir *Henry Davie.*] It was stated in evidence by Dr. Hume the other day, that, in the Peninsula, great mistakes were committed in consequence of ignorant men dispensing medicines; did you hear of anything of the kind occurring when you were in the Crimea?—Nothing of the sort has occurred during my own period of service.

3025. But independent of your own experience, did you hear of any such mistakes occurring?—No; I never did.

3026. Colonel *North.*] Do you think that the service would be benefited if promotion was made by selection for merit?—I think that as a general rule the principle of seniority should be acted on.

3027. Mr. *Leveson Gower.*] Even on foreign stations?—On all stations.

3028. Colonel *North.*] Who is the person who judges whether a candidate for an assistant surgeoncy in the Guards is fit for the appointment?—The candidates are required to produce the ordinary medical qualifications which are required in the Line, and in addition to that the candidates for appointments in the Guards are often recommended by eminent surgeons in London. In point of fact, the candidates have often themselves filled important positions in hospitals; I myself was house surgeon at St. Bartholomew's Hospital before I entered the army, and I was appointed by his Royal Highness Prince Albert, who, I presume, was satisfied with my competency?—I was put on the staff for a short time, and afterwards was appointed from the staff into the Guards.

3029. The appointment is not generally given to assistant-surgeons who have been serving in the Line and have been transferred to the Guards?—No; it happened so in my case, but that is not the general rule.

3030. Who settles the promotion?—The promotion is by seniority.

3031. Have you any confidential reports in the Guards?—I never was called on to make any myself, and I believe that there are none made.

3032. Are you satisfied that the medical service of the Guards is as good as it can be for the service?—I believe it to be very good; I think that our hospital would challenge comparison with any hospital, either military or civil; indeed, I believe I may refer to an eulogium which was passed upon our hospital in the House of Commons, by Mr. Stafford, the Chairman of this Committee.

3033. *Chairman.*] What was your opinion with reference to the conduct of the men generally in your hospital in the Crimea?—I found the conduct of the men on all occasions was most exemplary?—I cannot speak too highly of the patience and cheerfulness they displayed under all their sufferings; the only regret we felt was that we were obliged to stand by and witness their sufferings without being able to relieve them.

3034. Did you find that any unfounded complaints were made?—I never heard a single complaint the whole time.

3035. Sir *Henry Davie.*] The pay of a private in the Guards is higher than that of a private in the line, is it not?—I think it is a penny a day more.

3036. Colonel *North.*] What becomes of your lunatic soldiers?—I myself had occasion to recommend the discharge of a soldier who appeared to be disqualified from performing military duty in consequence of imbecility, but I do not remember any case of violent lunacy occurring in our hospital; in cases of idiotcy they are discharged. We have had no case of violent lunacy requiring restraint within my recollection.

3037. Supposing you had a case of that sort, would the man be sent to Fort Pitt, or would you take charge of him in the Guards and provide for him in some way yourselves?—We have hardly an instance of that kind to deal with; I should not think it would be necessary to send him to Fort Pitt. We may have had them there; I am not quite sure.

3038. What is your opinion with regard to the establishment of an asylum for insane soldiers, instead of their being sent to private establishments?—I should prefer sending them to a military asylum decidedly.

3039. With military attendants?—Yes, with military medical officers and military orderlies.

3040. Mr. *Legh.*] Do I understand you to say that you think the system pursued

pursued in the Guards as to dispensing would be applicable to regiments of the line?—I cannot conceive that there would be any difficulty in it whatever. *J. A. Bostock*, Esq. 5 June 1856.

3041. Are not the expenses of the orderlies and hospital nurses greater in the Guards than in the line, and if so, is not that paid for out of some extra fund?—I am not aware how that is.

3042. *Chairman.*] The financial part of the question might be met by greater liberality on the part of Parliament; might it not?—Yes; but I conceive that 10 *d.* a day in the line is amply sufficient.

3043. Colonel *North.*] What is your opinion with regard to hospital stoppage? I suppose your men are put under stoppages?—I believe so.

3044. Perhaps you have not considered the question of amount?—I have not considered the financial part of the question at all. I merely know by public report that 10 *d.* a day is sufficient to pay the military hospital expenses throughout the kingdom.

William Ord Mackenzie, Esq., M. D., called in; and Examined.

3045. *Chairman.*] WILL you state what is your present official position?—I am Surgeon in the 3d Light Dragoons. *W. O. Mackenzie*, Esq., M. D.

3046. When did you enter the service?—I went to Chatham in October 1838, nearly 18 years ago, and received my first commission on the 14th of January 1839; immediately afterwards I proceeded to Canada.

3047. How long did you stay in Canada?—I was gazetted shortly afterwards assistant-surgeon in the King's Dragoon Guards, and remained with that regiment in Canada until its return in October 1843, was promoted on the 8th of January 1847, for a short time on the staff; I was afterwards surgeon in the 5th Fusileers, with which I proceeded to Mauritius. I returned from Mauritius in October 1850, and, at my own request, I afterwards exchanged, and became staff surgeon to the provisional battalion at Chatham, which office I held for 18 months. I subsequently exchanged into the 82d Regiment, in which I remained for 14 months; since then I have been in the 3d Light Dragoons.

3048. Colonel *North.*] Were you in India with the 3d Light Dragoons?—No, I merely went into the 82d Regiment until the 3d Light Dragoons came home; I was waiting for them.

3049. *Chairman.*] Where did you pursue your studies?—I was five years in Edinburgh and eight months in Paris; I am a graduate of the University of Edinburgh, a licentiate of the Royal College of Surgeons of Edinburgh, and licentiate of the Faculty of Physicians and Surgeons of Glasgow.

3050. Can you give the Committee an idea of the expense of your professional education?—I should think twelve or thirteen hundred pounds.

3051. Who is the present occupant of the military chair at Edinburgh?—The chair has been vacant since the death of Sir George Ballingall.

3052. Do you remember the date of his death?—No, I do not exactly; I think it must have been in November; I know it occurred some time about the beginning of winter.

3053. Has the chair been vacant ever since?—Yes.

3054. Has it been usual to keep it vacant so long?—The chair was never in existence until Sir George Ballingall held the office; he was the first occupant of it.

3055. Sir *Henry Davie.*] Is this the time of year that the classes sit?—Not now; Sir George Ballingall latterly lectured in the summer, I believe in consequence of his impaired health, but formerly he used to lecture in the winter.

3056. *Chairman.*] Can you state who are eligible to that chair?—Any medical officer in the army. I offered myself as a candidate for the chair last January, and the answer I received from Lord Panmure was, that nothing had been decided on as to filling up the chair; that he could give me no definite answer, in fact; and I understand (though not from him) that the reason was that it was a question whether the chair of military surgery in Edinburgh might not be merged eventually in the chair to be established in London.

3057. Do you mean that it was proposed to abandon that post altogether in Edinburgh?—I understand that such a proposition was mooted.

3058. Do you or not, think it desirable that medical students for the army should

W. O. Mackenzie, Esq., M.D.

5 June 1856.

should have opportunities of studying in the different capitals of the two islands?—I think so, decidedly.

3059. You think that that would be better than having one central place?—Yes; unless there should be one chair of military surgery occupied by some one of sufficient eminence, whose classes all candidates going to Chatham should be obliged to attend for three months.

3060. Would that be in addition to or in substitution of other classes?—In substitution, they having the advantage of the splendid museum that there is at Chatham all the time.

3061. Do you think that, after examination, a probationary period would be desirable?—Certainly, in order that they might learn the general duties of the service.

3062. Had you much probationary period of service?—Yes, three months, without any pay or allowances.

3063. Do you think that three months would be sufficient?—I think it would be quite sufficient to ascertain the qualifications of any candidate; of course, he would be under supervision.

3064. But you do not think it would be too long?—No, I think not; I would give him 5*s.* as now; for it is a very hard thing that he should have to pay the expense of mess and lodgings when he is performing his duty for nothing.

3065. Mr. *Leveson Gower.*] Do they all receive 5*s.* a day?—Now they do; they did not in my day.

3066. *Chairman.*] Do you think that an assistant-surgeon should be appointed in the first instance to the staff?—Decidedly not, I should say.

3067. For what reason?—Because, in my opinion, on his first appointment he ought to join the regiment at the head-quarters of his corps, there to learn the duties of his office, also to get acquainted with soldiers and their habits, and to be under the eye of the surgeon for a short time.

3068. Do you think that there should be any promotion before regimental service?—I would promote no assistant-surgeon and no staff surgeon of the second class to be staff surgeon of the first class, until they had occupied both positions, of regimental assistant-surgeon, and regimental surgeon.

3069. You attach great importance to regimental experience?—Decidedly.

3070. What is our first duty in the morning?—I visit the cells in which prisoners are confined; thence to the hospital, where I examine all men who have reported themselves sick, and decide whether they are to return to their duty or to remain in the hospital; immediately afterwards I inspect all prisoners who are to be brought before the commanding officer for punishment, in order to decide as to their fitness to undergo that punishment.

3071. What number of patients have you in your hospital at present?—Thirty.

3072. What is the strength of your regiment?—This morning it is 547; of these we have 400 at head quarters at Hounslow, 100 at Hampton Court, 30 at Kensington, 10 at Aldershot, and 13 at Sandhurst. I have said we have 400 at head quarters; there are scarcely so many as that; perhaps there may be 390.

3073. Will you be good enough to state what are your medical arrangements, with reference to these different detachments, beginning with head quarters?—I am the only medical officer at head quarters; the assistant-surgeon is detached with the largest party at Hampton Court, but as there is no hospital there, or at Kensington, or at Sandhurst, or at Aldershot, all the sick of the regiment are sent to me, so that the surgeon of the regiment for the time being at Hounslow, is more a prisoner, and has more to do, than the surgeon of any other cavalry regiment.

3074. Casual cases only are treated at Hampton Court?—Only slight cases, where a man is not likely to be unfit for duty more than 24 hours, or 48 hours at the outside.

3075. Are the medicines sent from head quarters?—The assistant-surgeon takes a medicine chest with him, but all serious cases would be sent to me, except cases in which the party was not fit to be removed, as in the case of a compound fracture.

3076. Have you any room for the reception of such cases at Hampton Court?—There is a small room there.

3077. Have

3077. Have you ever sent any of your men to civil hospitals?—Never, except in very particular cases; the other day, for instance, a horse tripped up in Oxford-street, and one of the men was carried immediately to the Middlesex Hospital with a compound fracture.

3078. But in difficult or chronic cases you never send them?—No.

3079. In the case of small detachments, where the men have no assistant-surgeon with them, what arrangements are made for their medical attendance?—One of the duties of the regimental surgeon, on a detachment being ordered out, is to represent to the commanding officer of the regiment that it is necessary to make some agreement with a civil practitioner on its arrival at its destination, either by contract or otherwise, to take charge of the detachment.

3080. What are the terms upon which that arrangement by contract is usually made?—By regulation it is a penny per head for every man, woman, and child, sick or well, if Government supply the medicines, and 1½*d.* if the medical practitioner supplies them.

3081. At whose discretion is it to supply the medicines?—At the discretion of the practitioner.

3082. Is it not in the power of the Government to insist on the practitioner taking the penny only, the Government finding the medicines?—I think not.

3083. Who ascertains the quality of the medicines in the event of the practitioner electing to supply them?—I am not aware that there are any means of ascertaining that, but the practitioner who is generally chosen is a person in fair practice, and likely to be well supplied with medicines.

3084. Colonel *North.*] Is he obliged to attend the mounted parades of the detachment?—No, he is not obliged to attend; he attends in case of any accident, but he does not go on parade.

3085. Sir *Henry Davie.*] Of how many men do you say the detachment at Kensington consists?—Thirty.

3086. Are they visited by any medical officer of the Household Brigade?—Not that I am aware of; I presume that on an emergency assistance would be rendered by the surgeon or assistant-surgeon for the time being at Knightsbridge barracks.

3087. You have an officer there?—Yes.

3088. If there is any case of sickness he reports it to head-quarters, does he not?—Yes.

3089. Have you any means there of removing a sick man to head-quarters?—No.

3090. You have no ambulance carts, or anything of that sort?—No.

3091. How do you remove a sick man?—In a cab.

3092. Colonel *North.*] Do you think that one assistant-surgeon is sufficient for a regiment of cavalry?—No, I think not; there are many cases in which a surgeon may be incapacitated for a short time by temporary illness, or a severe accident might happen to him, or some unusual case might arise in which a consultation would be advisable.

3093. What is the strength of the detachment at Hampton Court now?—One hundred.

3094. Is the assistant-surgeon there?—Yes.

3095. Then at this moment, if anything were to occur at head-quarters, there is no one to look after the men?—Except that I have made private arrangements with three civil practitioners to attend on them if necessary.

3096. If there were an evening parade there would be no medical officer to attend it?—Yes, the assistant-surgeon would attend. This very day, for example, the assistant-surgeon was on parade when I came up.

3097. Sir *Henry Davie.*] Would it not be advisable to have your assistant-surgeon at head-quarters, so that you might either send him or go yourself to inspect the detachment at Hampton Court?—Yes, I think so. I would always prefer having an assistant-surgeon at head-quarters, to prevent myself from being entirely a prisoner.

3098. Mr. *Legh.*] What is the distance from Hampton Court to Hounslow?—Between four and five miles.

3099. So that that is not a case of so much hardship as many others; in Ireland, for instance?—No, it is not so hard as many of those cases; I only refer to it to illustrate the mode of treating the sick; that they all come to head-quarters.

W. O. Mackenzie, Esq., M. D.

5 June 1856.

3100. What would be done, if, instead of head-quarters being four or five miles off, the distance were 30 or 40 miles, as is often the case in Ireland, where squadrons are detached, and sent considerable distances?—In that case recourse must be had to civil practitioners.

3101. *Chairman.*] Do you attend the wives of soldiers?—Yes; but it is hardly fair that the surgeon should have all the labour of nightwork. A fortnight ago I was sent for three times in one night, and had to go each time a mile to see one of the married soldiers' children.

3102. Colonel *North.*] Is any deduction made from your pay for forage?—Yes, the same as is made from the pay of other officers; they have all a deduction of 8 ½ *d.* per day for each horse, but an infantry surgeon has a deduction made from him which is not made from any of the other mounted officers.

3103. The surgeon of an infantry regiment is not allowed forage except in the field, is he?—Yes, he is; he is a mounted officer, and is entitled to forage, and has a deduction made if he keeps a horse; the occasions are so very seldom on which an infantry surgeon has to go on parade, that a great many of them do not keep horses.

3104. *Chairman.*] Are you in the habit of giving written instructions to your assistant-surgeons?—Semi-official; writing to them, and requesting that they will do so and so, and conform to the habits I have adopted.

3105. Do you send copies of those instructions to the Director-general?—Never; they are entirely private between ourselves.

3106. Sir *Henry Davie.*] Are your remarks as to the necessity of a second assistant-surgeon in a cavalry regiment applicable to the former diminished strength of a cavalry regiment, as well as to its present increased force?—Yes, although the actual number of the sick would not be so great with a diminished force, yet the same exigency might arise.

3107. What is the relative strength of a cavalry regiment at present compared with what it was before?—The strength of our regiment was formerly 361; our present nominal strength, including officers, is 696; but exclusive of officers, we have 547 to-day; we ought to be 600; we only want about 60 men to complete our number.

3108. The strength of a cavalry regiment, of course, is much less than that of a battalion of infantry?—Much less; but the casualties are much more frequent.

3109. But the number of men in hospital is much less?—Yes; but there are necessarily more casualties from kicks, wounds, and fractures.

3110. And ruptures, and things of that sort?—Yes; at this moment I have three cases of fractured legs, all of which occurred within three weeks of one another; these are in addition to the case I mentioned of the accident which happened in Oxford-street.

3111. You think that the medical strength of a cavalry regiment ought to be as great as that of an infantry battalion?—Yes, I do.

3112. Although there are not half the number of men?—Yes.

3113. Colonel *Kingscote.*] The per-centage of casualties is greater?—Yes.

3114. Sir *James Fergusson.*] Have you received any man yet from the medical staff corps?—No.

3115. You would prefer that the men should always be selected from the body of soldiers?—Yes.

3116. *Chairman.*] Are they more difficult to obtain in a cavalry than in an infantry regiment?—Generally they are, for the duties of a cavalry soldier are much greater.

3117. Have you sometimes a difficulty in retaining them?—Yes; the other day, when the number of sick was reduced, and when it was necessary for me to give up one of the orderlies, the commanding officer said he wished to have my senior orderly, my best one, who was anxious to remain with me, and I was obliged to give him up.

3118. That difficulty would be met, would it not, by the institution of the hospital staff corps?—No doubt; but at the same time I would much rather have some of my own men, and I think that the men themselves would prefer to be attended by one of their own comrades rather than by a stranger.

3119. Colonel *North.*] Is it usual in your regiment, if the number of sick becomes diminished, to withdraw an orderly?—The rule is, to have one orderly

to

to every ten men: if I have 30 sick, I have three orderlies; and if to-morrow I should have 32, I could claim another orderly.

3120. When an orderly is no longer required, do you send him back to his duty?—If there is a decided diminution in the number of sick, and if there is no likelihood of any sudden increase, I then report that such a man ought to go back to his duty.

3121. If you had 21 men sick, you would have three orderlies to attend upon them?—Yes.

3122. Suppose two of those men were sent out of the hospital, should you return one of the orderlies to his duty at once?—The commanding officer might call for him.

3123. With regard to your own personal pay as surgeon of a cavalry regiment, is that in the same proportion as the pay of cavalry officers and infantry officers?—No; the pay of a cavalry surgeon and an infantry surgeon is the same, and yet the former has a great many more expenses.

3124. *Chairman.*] Is your position on joining the same relatively as that of other officers with regard to pay?—No; it is a shilling less than a lieutenant.

3125. Is there any leave given to you on joining, the same as is given to other officers?—None; on his appointment every officer in Her Majesty's service, except a medical officer, has two months' leave of absence.

3126. Medical officers have not?—No; they are ordered to join forthwith, and their expenses are consequently one-sixth more than that of other officers.

3127. Sir *James Fergusson.*] Can a cavalry surgeon support the expenses of the mess, and other expenses, if he has not private means in addition to his pay?—I think he can, as regards the mere expenses of the regiment.

3128. Colonel *North.*] But not an assistant-surgeon?—I think not.

3129. Mr. *Leveson Gower.*] For what reason would you object to receive orderlies from the staff?—I think that the men themselves would prefer being attended by their comrades.

3130. Does not the case you mentioned just now, of losing one of your best men, prove the necessity of something being done to prevent such things occurring?—Possibly a case of that kind might be met by commanding officers being enjoined not to interfere so much in that respect; they want as many men on parade as possible.

3131. *Chairman.*] Do you think the relative positions of medical and executive officers is satisfactory on the whole with reference to this and other points as to which they might come into collision, or have you any suggestions to make with regard to increasing the power of medical officers?—I think that if their relative positions in the regiment were a little more clearly defined it might be better; personally I have never had any reason to complain upon that point, but I think that if their relative rank were higher it would be attended with advantage.

3132. Colonel *Kingscote.*] Are you satisfied with your military power in your regiment?—Yes; I think we could not with advantage have more power in our own corps.

3133. Have you power to place a soldier in confinement?—Yes, I have often done so.

3134. Do you think it would be desirable that you should be able to be a member of courts of inquiry?—I have acted as president or member in such cases, but I should much rather be a witness; as a general principle I think it is much better that medical men should be witnesses, only with one exception; where any medical officer is to be tried by a court-martial, I think that one medical officer, at least, ought to be a member of the court, because medical men would be the best judges on many points of detail with reference to charges of neglect of duty.

3135. But generally speaking, you would rather be a witness in a case than a member of the court?—Yes.

3136. Sir *Henry Davie.*] I understand you to say, that in the case of a medical officer being tried by a court-martial, you think it desirable that one or two medical men should be members of the court; would not the same end be attained if the medical officers appeared as witnesses?—I think not, for this reason: that when the court is cleared for consultation on any point, the medical officers present as members of the court might suggest things which they could not suggest as witnesses.

W. O. Mackenzie, Esq., M.D.

5 June 1856.

3137. Can a medical officer be tried by a court-martial for anything connected with his professional duty?—Yes; if any man in the regiment chooses to make a complaint against either of the medical officers, the commanding officer can order a court of inquiry, and if the court of inquiry should come to a decision against the medical officer, he would be put under arrest, and a report of the case would be forwarded to the Horse Guards.

3138. Would that be the case, if the complaint was of improper medical treatment?—Of course, if a soldier makes a complaint, it is absolutely necessary that it should be investigated; if it appeared to be strictly a medical question, then a superior medical officer would be sent to inquire into it.

3139. Have you known instances in which medical officers have been tried by courts-martial?—Personally I have not met with any cases of the kind, but I have heard of such cases.

3140. But in ordinary cases, such as general want of attention to the patients, breaches of discipline, intoxication when on duty, or cases of that sort, which are happily very rare, do you not consider that military officers generally could form as accurate and safe an opinion as medical men?—On all points of military insubordination or military irregularity, I should leave the matter in the hands of strictly military men.

3141. It would be only in cases where the propriety of the medical practice was impugned, that you would wish a medical man to sit as a member of a court-martial?—Yes; if the charge against a medical officer were that he had been guilty of intoxication, I should leave it in the hands of an ordinary court martial; and so I would leave it in their hands if the charge were that he had been guilty of insubordination; but if the charge against him was that he had been guilty of neglect towards some patient, or that he had not attended him sufficiently, or that the man who made the complaint was not satisfied with his treatment, then I should say it would be desirable to have a medical officer to assist in the inquiry.

3142. Do you not think that, in the case you have suggested, the witnesses brought forward by the medical officer himself would be quite as well able to give information to the court-martial as if they themselves were members of the court; or, in other words, would not justice to the accused be quite as certain to be obtained by means of the medical witnesses he might bring forward, as it would be if those witnesses were themselves members of the court?—I think not.

3143. Colonel *Kingscote.*] Would you recommend that medical officers should have military titles as well as medical?—No.

3144. Colonel *North.*] Merely to give them military rank, so as to give them a chance of prize-money, the choice of stables, and so on, as well as to command respect from the men?—I do not think it is at all necessary.

3145. Colonel *Kingscote.*] You do not think it would be any advantage to yourself?—No; I consider that, regimentally, I have in my own corps as much respect paid to me as I can desire.

3146. Colonel *North.*] What officer of your department ranks as a field officer?—A staff surgeon of the first class, and the higher grades in proportion.

3147. In a garrison where there was a staff surgeon of the first class he would take quarters with a field officer?—Yes.

3148. Have you any remark to make with regard to the dress of a medical officer?—If medical officers are to be dressed in uniform, as I consider they ought to be, I think there should be no distinction between one officer and another; I think that all distinctions are invidious.

3149. Sir *James Fergusson.*] Do you not think that in the field it is important that there should be a distinction between the dress of a medical officer and a military officer, so that you may be able to find him immediately?—If I were surgeon for the day with three cavalry regiments in the field I will undertake to say that I should be found in a moment when I was wanted.

3150. Mr. *Leveson Gower.*] Are you not aware that in the continental army there is a distinction made in the dress of a medical officer?—I believe that the medical officers are more like our staff medical officers.

3151. Has not the regimental surgeon a distinctive dress?—He has; the distinction is too great, in my opinion, and it has recently been very much increased.

3152. At the present moment in the English army there is a distinction, is there not; the surgeon of the regiment has no sash?—In the 3d Light Dragoons, before the alterations were made, I wore the same dress as all other officers, except that I had black lines round my shako instead of gold. In infantry the surgeon does not wear a sash.

3153. Do you not think it would be better to have one general uniform for all medical officers?—I think not; I think that the regimental medical officer ought to wear the same dress as his brother officers; there is no man so well known in the regiment as the medical officer; every man, woman, and child even is able to point him out. In marching from one station to another, when there is a great distinction made, the mob who stand by looking on say, "Who is that?" "Is that an officer?" and they pass all sorts of invidious remarks; individually I may not care for them, but I think it is objectionable that men of one's own corps, who ought to respect one, should hear such observations made. The general public would not be aware of the cause of the distinction; they would think that there was some social inferiority.

3154. *Chairman.*] What officer do you think knows all the men in the regiment best?—I think, next to the adjutant, the surgeon; no one ought to know them as well as the surgeon, after the adjutant.

3155. What leave of absence have you had during your professional career?—I had short intervals of a month or two at a time on my return from Canada; again, on my return from Mauritius, I had 18 months' leave of absence from head-quarters there. I reported myself on my arrival to the Director-general, then Sir James Macgrigor, who told me that my leave was cancelled, and that I must immediately join at Chatham; he said that my having such leave was absurd. I told him it had cost me 100*l.* to come home at my own expense, that three other officers in my own regiment had come home with me on the same 18 months' leave, and that I had left the regiment in comparative good health, under the charge of the senior and junior assistant-surgeons.

3156. Was your leave of absence continued under those circumstances?—I believe I was tacitly allowed to be absent for two or three months, when I was ordered to return to Mauritius, and then I made an application to exchange to the staff.

3157. With regard to the uniform, will you state what is the difference between your own dress and that of a captain in the same regiment as yourself?—Up to the first of last month, when the dress was changed, my dress was the same in all respects, with the single exception that there were black lines to my shako, and black lace instead of gold; that, at any time, was quite a sufficient distinction either in brigade, in the field, or anywhere; it did not catch the eye of the public, and was quite sufficient to enable strangers to distinguish me.

3158. That is the case with the quartermaster, is it not?—Yes; but we are in a different position from the quartermaster.

3159. Do you think that the medical officers in the army are placed comparatively in a situation of difficulty with regard to leave of absence; do you think that they get leave of absence with greater difficulty than executive officers?—Decidedly; a subaltern, a cornet, or an ensign can command a troop for the time being, but none but a medical officer can do a medical officer's duty.

3160. At present do you think that there are a sufficient number of medical officers to fall back on; take the place of those who are either absent on private affairs or from sickness, or who may die; or are there always a certain number of medical officers afloat, either going out with detachments or coming home with their regiments?—I should say that, even before the war, we were 40 or 50 short, to meet such daily contingencies. We ought to have what I call a "remount."

3161. Have you any suggestions to make with regard to the appointment of stations?—I think that as all orders for foreign service come from the Director-general to the medical staff officers proper (not to the regimental officers), that the same system might be pursued as was in force in the artillery a short time ago, and which, for aught I know, may still prevail; that when a medical officer is ordered to a certain station, he may exchange posts with another medical officer provided the service does not suffer by it. If a staff surgeon should be ordered to Ceylon and it suits him to change with another who has been

W. O. Mackenzie, Esq., M.D.

5 June 1856.

been ordered to Malta, I would suggest that the exchange should be allowed to be made, provided the service did not suffer by it.

3162. At present there is no power of that kind?—No; at present it is at the option of the Director-general to send any staff medical officer where he pleases.

3163. In the case you suggest the Director-general would be the person, would he not, who would judge whether or not the service would suffer by the exchange?—Yes, it ought to be referred to him; at present there is no opportunity for a medical officer to make a proposition to be allowed to exchange posts.

3164. What arrangements as to dispensing have you in your regiment?—The hospital serjeant dispenses the medicines; almost all the medicines, with the exception of the most common kinds, I personally make up. My first duty on coming down from the wards of the hospital, before I do anything else, is to make up the medicines, with the exception of the most simple, which the serjeant makes up beside me while I am going on making up the others.

3165. What proportion would that be?—About one-third.

3166. Have you ever found any mistakes happen in consequence of that practice being followed?—Once only, and that was in Mauritius; I attribute that to my own hurried manner of making the figures, so that half a scruple was taken to be half a drachm; it was very nearly leading to a serious accident, but, fortunately, I found it out myself in time to prevent it.

3167. Do you think that that plan might be expanded a little in your regiment?—I have no doubt of it; there are always intelligent men, either privates or non-commissioned officers, who are fit for the situation of dispensers in the hospital if a sufficient inducement is held out; my present hospital serjeant, when he first came to me, did not know senna from salts, but I believe that now there could be scarcely found a superior hospital serjeant; he is also an admirable accountant.

3168. He is a good dispenser?—Yes.

3169. Do you think that the introduction of civilian dispensers would be satisfactory in the regiments?—I think not.

3170. Mr. *Percy*.] Do you not think that dispensers taken from druggists' shops would be equally liable to make mistakes?—Quite.

3171. *Chairman*.] Do you think that an increase of pay to the hospital serjeant, or corporal, or orderly, would be considered a boon in the service?—Certainly; if you were to increase his relative rank and position, and make him equal to a quartermaster-serjeant, or even higher still, I think you would greatly benefit the service. I may add that, at present, a hospital serjeant in the line receives merely the same allowance that a private does, 4 *d.* a day; which, considering the great difference in the amount of work, is very objectionable.

3172. Sir *Henry Davie*.] Suppose anything were to happen to your hospital serjeant, who you say has had great experience, do you think you could supply his place immediately?—I do not know that I could, but I would undertake to find one in a short time; and I would rather take a man who knew nothing whatever of medicine and teach him myself.

3173. *Chairman*.] Would you prefer that to the introduction of a civil dispenser?—I would; I should state that I never trust the hospital serjeant with prussic acid or arsenic, or anything of that kind.

3174. Do you write prescriptions for him, or do you tell him *vivâ voce* what he is to do?—I tell him *vivâ voce* when he is standing beside me. When I visit women and children at a distance, I write the names of the medicines in Latin, the same as they are on the bottles; my directions how the medicines are to be taken are invariably written in English. It has been asked to what extent a knowledge of Latin is necessary; there is really no knowledge of Latin required; all that the hospital serjeant has to do, is to compare the name of the medicine on the bottle with that on the prescription.

3175. You being absent to-day, there is no medical officer at Hounslow; suppose some medicine should be wanted in your absence, who would administer it?—The hospital serjeant has my positive orders never to give out anything of any kind, except on an order in writing from me.

3176. What would happen if, during your necessary absence, anything should be wanted in a hurry?—He would then go to a civil practitioner in the town.

3177. Colonel *North*.] Who, in that case, would pay the civil practitioner?—Nobody

Nobody would pay him in such a case as that; in the event of my going away on leave, I should make an arrangement with him to pay him myself.

3178. Is not that a great hardship upon you?—Yes, it is a great hardship on a man who goes away with leave.

3179. Mr. *Legh*.] Do you expect a hospital serjeant to be able to make up medicines from a written prescription?—Yes; I have taught my serjeant to do so, and I could make any intelligent man do so in a short time.

3180. It must be a prescription of your own?—He has nothing to do with the prescriptions of anybody except the medical officers of the regiment.

3181. Suppose another surgeon were to come in your place, would the hospital serjeant be equally ready to make up a prescription written by that surgeon?—After he got accustomed to his handwriting, unquestionably.

3182. Mr. *Percy*.] Is not a serjeant in the habit of seeing all sorts of handwriting?—As a non-commissioned officer he is, but not as a hospital serjeant.

3183. But he is a man who has been in the habit of seeing a variety of handwritings, is he not?—Yes.

3184. *Chairman*.] Did you inspect any recruits for the hospital staff corps?—During the first fortnight of July, a fortnight before we marched from Manchester to Hounslow, I examined 42 men for the medical staff corps; out of that number I rejected 25, passing only 17; they came to me with other garrison recruits, but I had no instructions as to what their qualifications should be; I was not informed whether they were required to be able to read and write, or whether they were to be physically, more or less, fit for the service than other men.

3185. How did you know that they were intended for the hospital staff?—I knew nothing of it beforehand. When I asked them for what regiment they were intended, and they told me it was for the medical staff corps, I looked up in amazement, never having heard of it before.

3186. You had no specific instructions of any kind sent to you?—No.

3187. Should you have chosen the 42 men you examined as respectable men?—Certainly not. Their appearance was of an extraordinary kind; there were tall and short, and old and young.

3188. You knew nothing at that time of the existence of any regulation that they should be able to read and write?—No, but I should have been made aware of it.

3189. You have written instructions as to the inspection of other recruits, have you not?—Yes.

3190. But in this case you had none?—None with regard to the special qualifications that were required.

3191. Has there been any change made of late in the passing of recruits for the infantry and cavalry regiments?—When a recruit presents himself at head-quarters, the opinion of the surgeon is final as to his rejection or reception into the corps; in the case of district recruits, a staff surgeon or a deputy inspector examines them in the first instance; if approved, they then join head-quarters, and are there further examined. Since 1851, I think, the opinion of the senior medical officer is considered final, and the regimental surgeon has no option as to taking him, unless there is some very glaring deficiency in the man, or unless some accident has happened to him between the time of his being seen by the senior medical officer and the regimental surgeon.

3192-3. Colonel *North*.] I understand you to say that of those 42 who were sent to you, you only passed 17?—Yes.

3194. Twenty-five of those men you discarded for any purpose; not only with reference to the Medical Board?—No; these men were enlisted specially for the medical staff. The custom at Manchester and all garrison towns is for line recruits to go to the infantry barracks for one month, and to the cavalry barracks for another; July happened to be my time, and then these men came to me for approval.

3195. Did it appear at all that these men had been brought up in hospitals or in apothecaries' shops?—No; I think there was not a single druggist among them. I asked the men from mere curiosity whether they could read and write, and so on. I had no instructions upon the subject.

3196. It appears that there are above 100 of them now at Chatham; do you not think that their time might be better employed than by setting up drill and teaching them to salute; might they not be occupied with advantage, in your opinion, in learning hospital duties?—I think so; but at the same time I think it.

it is desirable that they should have some little idea of military habits and military discipline.

3197. It appears that at present they have no occupation, except that they are taught a sort of set-up drill, and to salute, because it is not known how to employ them; might they not find some occupation in making bandages, or poultices, or something of that sort, so as to make them acquainted with what they would have to do afterwards?—I have seen nothing of the working of the system, and therefore I cannot say.

3198. *Chairman.*] Have you had any private practice since you have been in the army, either at home or abroad?—Abroad I had, but at home I never have had; first, because I never wished to lay myself out for it; and secondly, because I think a medical officer has not much chance of private practice, moving about, as he does, from place to place; he becomes known just as he is leaving the place. But in the colonies, he may easily get practice; there is no rule against it.

3199. In the event of a medical officer abandoning his profession, is he not under a disadvantage when he enters a neighbourhood for the purpose of private practice, compared with a civilian?—I think the disadvantage under which he labours is, that others have got such a long start of him; the habits, too, of military officers are different; but at the same time there are old officers in the service, and others, who often prefer to receive advice from medical officers who have been in India and at other stations, rather than from civilians; there are many instances in which I have known patients prefer old military medical men to civil practitioners.

3200. Do you think that, supposing two medical men to start together, one a military medical man and the other a civilian, there would be any feeling against the military man?—I am not aware that there would be.

3201. You think that the one would stand the same chance of becoming popular as the other?—Yes, I think so; I think that the military man, having been moved about a good deal and having mixed very much with the world, would have the better chance of the two.

3202. Your attention has been called, no doubt, to the constitution of your governing body; do you think that any alteration could be made with advantage to the service?—I heard that before I entered the service Boards did not work well; but I think that a Board consisting of the three senior medical officers of the department would be efficient.

3203. Would you recommend that it should be permanent?—I would have the chief permanent; but the two others, I think, should hold office for three years; and I would recommend that the Commander-in-chief should have a voice in their selection, nomination, and removal.

3204. Colonel *North.*] Would you allow them to vote?—Yes; and I think that a majority of voices should carry the question.

3205. Sir *Henry Davie.*] Do you know how the Board that was formerly found inefficient was constituted?—I do not.

3206. You do not know whether it was composed of three senior officers or more?—I do not.

3207. Suppose the Board was constituted as you propose it should be, and that it was found to fail, would you recommend that recourse should be had again to that system?—Not if formed precisely in that manner.

3208. *Chairman.*] Do you know anything of the system of confidential reports?—My belief has been that the commanding officers of regiments make such reports through the inspecting-general to the adjutant-general at the Horse Guards; and I believe that, with regard to the medical officers proper, the senior medical officer of the station sends confidential reports to the Director-general of the Army Medical Department.

3209. Mr. *Leveson Gower.*] Would a medical officer invariably hear of it from Dr. Smith, if there were any complaints against him?—Yes.

3210. Sir *Henry Davie.*] Why do you think that the administrative power of the Medical Department would be better vested in three than in one?—Simply because there may be many questions on which the opinion of three, or more than one, would be more advantageous than the opinion of one man only; and it is possible that there being three might lessen any chance of abuse of power. I do not mean to insinuate that any abuse of power has existed, but I think it would take away all chance of it.

3211. You think there would be less chance of favouritism?—Yes; I am one of those who think that promotion ought to go by seniority, except in cases of acknowledged incompetency, when promotion would be out of the question, or in cases of very distinguished service or very great merit, in which cases I think the Commander-in-chief ought to have a voice.

3212. Why do you conceive that there would be less chance of partiality in the selection of medical officers, by three persons, instead of one, the selection of officers for the army being vested in one, the Commander-in-chief; is there any reason why there should be more partiality in the one case than the other?—I do not know that there is any reason why there should be.

3213. But you are not satisfied with the responsibility being vested in one individual?—I think there are many points in our department, which require the exercise of more judgment than is necessary for the performance simply of military duty.

3214. Colonel *North.*] Do you think that the pay and allowances to the officers of the medical department, are of such a nature as to induce men of first-rate talent to enter the service?—I think not, decidedly.

3215. You think that the pay of all ranks in the department should be increased?—I think that the pay of the four ranks I have alluded to, viz., inspector and deputy inspector, surgeon and assistant-surgeon, should be increased. I think that no assistant-surgeon should enter the service with less pay than 10*s.* a day, and have rank relative to that of a captain after five years.

3216. He ranks merely as a subaltern at present; does he not?—As a junior lieutenant; he goes after the junior lieutenants, and rises with them.

3217. You would propose that, after five years' service, he should rank as a captain?—Yes, and that his pay should be increased to 13 *s.*

3218. With regard to the surgeon, what pay do you think he should have?—He should commence with 15 *s.*, and so rise every five years till he got on finally to 30 *s.*

3219. After what length of service do you think his pay should be 30*s.*?—After 25 years' service.

3220. Would you make any great difference between the pay of a cavalry and an infantry surgeon?—No; the only difference I would make would be, that the cavalry surgeon should be allowed forage for his horses.

3221. *Chairman.*] Do you think that the supply of body linen in the hospitals is well arranged at present?—I think the plan of each man bringing his own shirts, socks, and drawers into the hospital is a good one. In cases of emergency I think the supply is hardly sufficient; but that ought to be met by a supply from the Board of Ordnance.

3222. Do you not think it would be a great improvement if, on a soldier being brought to the hospital, his whole kit were taken from him, and if, during the time he remained in the hospital, every article he required were furnished by the hospital?—I do not see the advantage of it.

3223. Suppose a soldier to have three shirts, one at the wash, one on his back, and one clean; and supposing him to go into the hospital with diarrhœa, he would be obliged to borrow from one of his comrades, would he not, whereas if there were linen provided by the hospital he might be furnished with shirts to any extent?—I would suggest that an extra supply from the Ordnance should be allowed in order to meet such a contingency.

3224. Do you see any objection to the whole of the linen being furnished by the hospital?—No, I do not; only I have been very well satisfied with the present arrangements.

3225. *Chairman.*] Do you think that a more liberal system prevails now upon the whole than prevailed three or four years ago?—In many minor points tending to the comfort of the soldier there is a decided improvement; for instance, two or three years ago such a thing as men being wheeled about in Bath chairs at Fort Pitt, or the allowance of tobacco to men in hospital, would never have been dreamt of.

3226. In minor matters of that kind you can see that there has been an improvement?—Decidedly.

3227. Mr. *Percy.*] What is your opinion as to military compared with civil hospitals?—I am quite satisfied with the arrangements of the regimental hospitals. I believe that any medical officer can get any medical comforts or luxuries he requires to meet any exigency that may arise, if he makes a proper application.

W. O. Mackenzie, Esq., M. D.

5 June 1856.

application. Sometimes there may be a little delay; but if he does not get what he wants at the moment he requires it, and chooses to take upon himself the responsibility, he is sure to be supported in the end.

3228. Colonel *North.*] Do you think it would be an improvement to have crockery instead of tins provided for the use of the hospitals?—Simply on the ground that there is less chance of breakage.

3229. Is not crockery very much cleaner?—If the tins require it, you can always change them at the barrack-master's store. There are monthly inspections of them.

3230. Mr. *Percy.*] Are not all those minor arrangements infinitely superior in a civil to what they are in a military hospital?—A civil hospital is on a much more liberal scale, no doubt.

3231. Sir *Henry Davie.*] Have you considered the probable additional expense to the country of raising the pay and retiring allowances of medical officers to the extent you have suggested?—No; I have never made such a calculation as I should like to bring before the Committee.

3232. Mr. *Legh.*] In point of fact, if the pay were increased, and if greater facilities were afforded for obtaining leave of absence, would there not be a sufficient inducement held out to the profession to become army surgeons?—I think so.

3233. Irrespective of financial considerations, those which you have suggested are the recommendations you are prepared to make?—Increased pay, and permission to retire earlier. At present no medical officer can retire by right until he has completed 25 years' service. I think it ought to be optional with him to retire after 20 years' service.

3234. Would you make it compulsory that they should leave the service at any age?—Yes; after the age of 60, I think that few medical officers are efficient for active service.

3235. Sir *Henry Davie.*] Do you object to examination by a Medical Board?—Yes; for this reason, if I hold a diploma from the London, Edinburgh, or Dublin College of Surgeons, I think it is a direct slur upon them to ask me to undergo another examination before an Army Board. I think that that might be met by making medical officers while in a state of probation attend a course of lectures given at Chatham.

3236. Colonel *North.*] It has been stated in evidence that certificates of having attended lectures are sometimes very easily obtained; what is your opinion upon that subject?—I do not think that that could be the case in the diploma for surgery. The case would be the same whether the party had to undergo an examination before a Medical Board or not. If I hold a diploma granted to me by the College of Surgeons in London, Edinburgh, or Dublin, I ought to be fit to be an assistant-surgeon in a regiment.

3237. Mr. *Percy.*] Would that apply to a diploma from the University of St. Andrew's?—St. Andrew's is not recognised for the service.

3238. Sir *Henry Davie.*] Do you approve of a system of competition?—If there is to be an examination at all.

3239. Open competition?—Yes; competitive examination.

3240. Mr. *Legh.*] How would you reconcile that with your first opinion?—If there is to be an examination at all; but I object to an examination altogether. If it is decided at the Horse Guards that an examination shall take place, it is a different thing; in such case it ought to be competitive.

3241. Colonel *North.*] Have you to go through a public examination in order to get your diploma?—In some universities; it was not so some time ago, but in the London College, and also in Dublin, that is required.

3242. What is the process in those universities in which it is easiest acquired; what do you do?—I cannot say.

3243. Mr. *Percy.*] By what bodies are diplomas that are recognised granted?—By London, Edinburgh, and Dublin, and I believe now by Glasgow; but it is not required that you should be a graduate of any university, though it is considered advisable.

3244. Sir *Henry Davie.*] The diploma in your judgment would be sufficient evidence of competency?—I think it ought to be.

3245. What are the colleges that are recognised?—London, Edinburgh, and Dublin; and the Faculty of Physicians and Surgeons in Glasgow.

3246. Do those diplomas imply a knowledge of midwifery and other matters?—Chiefly

W. O. Mackenzie, Esq., M.D.

5 June 1856.

—Chiefly surgery. It does not follow that the candidate is sufficiently conversant with all points of midwifery, or even medicine. These are simply surgical diplomas.

3247. Colonel *North.*] Is not a medical officer in our army required to do more than the diploma would certify him to be competent to do?—No doubt; he is, in the strict sense of the word, a general practitioner; he is an oculist, a dentist, an aurist, and everything.

3248. Then the mere production of his diploma would not prove his competency as a general practitioner?—You have only to make it imperative that he should have the degree of M.D. to secure it.

3249. Mr. *Leveson Gower.*] Do you know of any cases in which, under the present system, hardship has arisen by some officers having been selected for promotion from favouritism, while others equally competent have been passed over?—I am not able to say anything with regard to favouritism; I know that officers have been promoted, but I have no reason to know what cause has actuated the Director-general, or induced him to give them promotion.

3250. Sir *James Fergusson.*] The rule of seniority is by no means regularly followed, is it?—No.

3251. Exceptions have been made?—Yes; but for what reasons I am perfectly unaware.

3252. Mr. *Percy.*] The rule, however, is that promotion shall take place by seniority?—Yes; it cannot, however, be said strictly that it is the rule.

Sir *George Augustus Wetherall*, called in; and Examined.

Sir *G. A. Wetherall.*

3253. *Chairman.*] WILL you state the rank you at present hold?—I am Adjutant-general.

3254. What are your duties as Adjutant-general with regard to the medical department of the army?—Only to control its discipline; we have nothing else to do with it. If medical aid is wanted any where we apply to the Director-general, and he sends medical officers wherever the Commander-in-chief wishes them to be sent.

3255. Do you receive reports from commanding officers from time to time with regard to the medical officers?—Yes; if they want assistance, or if they have any complaints to make of the medical officers, they are always made to the Adjutant-general.

3256. Do commanding officers ever communicate with the Director-general except through you?—I do not know; not to my knowledge.

3257. Do commanding officers make reports as to the character and conduct of the medical men in their different regiments?—Only when they have to find fault.

3258. They never mention them favourably?—Never.

3259. When you receive reports which are unfavourable to medical officers, do you communicate with them on the subject?—I always communicate with the Director-general, and with no other person. The only reports we get with reference to the conduct of medical officers is through the medium of the half-yearly reports of the Inspecting-general.

3260. According to that, can there be a report against a medical officer sent to the Horse Guards, and not communicated again to that medical officer?—We have no direct communication with them. When a complaint is made it is invariably sent immediately to Dr. Smith, who deals with it as he thinks proper, and if he recommends that the officer should be brought to a court-martial, that recommendation is acted on.

3261. On no occasion do you communicate to the commanding officer a report which may have been made unfavourable to a medical officer?—Only that the matter has been made over to the officer at the head of the Medical Department.

3262. Are you aware whether it is communicated to the medical officer?—As a matter of routine, I presume, it is always done.

3263. Do you ever send an account to the Director-general without communicating to the commanding officer that you have done so?—Never.

3264. And as far as your experience and presumption go, you believe that a communication is always made to the medical officer?—Certainly.

3265. So that no medical officer of a regiment has an unfavourable report

Sir *G. A. Wetherall.*

5 June 1856.

made of him without being made aware of the fact that such a report has been made?—I believe not.

3266. Sir *Henry Davie.*] Is the same course pursued with regard to any other officer of the regiment if a confidential report is made which is unfavourable to him?—That depends on circumstances. No, it is not. I am not speaking of confidential reports now, I am speaking of any overt act.

3267. Do confidential reports go to the Adjutant-general?—Always.

3268. And is it the usual practice if, in those confidential reports, anything injurious to an officer is mentioned, to inform the officer so complained of that he has been reported against?—Certainly; though his commanding officer.

3269. *Chairman.*] Is that practice invariably followed?—I should think so. Ever since I have been in the office, the invariable practice has been that the commanding officer should be written to, stating what the general has said; but all such reports connected with medical officers are immediately sent to the Director-general, for him to deal with as he thinks proper.

3270. In Question No. 357, Dr. Andrew Smith is asked this: "Therefore there may be charges brought against medical officers who are perfectly guiltless, but which may stand as bars to their promotion, and which charges they may never hear of;" and he answers, "There might be such, but I do not think there are such." Could there be such, according to the system of military confidential reports?—Certainly not, I think; not so long as I have been in office. It is the invariable practice, when any unfavourable report is made of any officer, that that report is brought to the officer's notice through his commanding officer. In the case of medical officers, they are invariably sent to the Director-general.

3271. Colonel *North.*] Then there is a report sent by the superior medical officer to the Inspector-general?—We never hear of medical officers except as regards their discipline. If the general officer thinks that the hospital is not properly conducted, he puts it in his report, and that is sent to the Director-general.

3272. Mr. *Legh.* And the decision of the Director-general is without appeal, is it not?—It is without appeal, medically speaking; but if it is a matter of discipline, or a matter which makes it necessary to bring the officer to a court-martial, that must be done through the Commander-in-chief.

3273. But in all ordinary cases, the decision of the Director-general would be final?—I consider so.

3274. Sir *Henry Davie.*] Do you attach much importance to the word "confidential," as applied to one of these reports?—Certainly; it enables the Commander-in-chief to form his opinion with regard to officers when they are put forward for promotion. It is the only means the Commander-in-chief has of acquiring a knowledge of the character and capabilities of officers.

3275. Then it is useful so far as it informs him of those officers who are eligible for promotion, but it ceases to be confidential if an unfavourable report is always communicated to the party who is found fault with?—Yes.

3276. Colonel *North.*] Is it not the fact that, if a particularly strong case were brought against an officer, that would be communicated to him, but that if the colonel of the regiment were to say such and such an officer is not so zealous as he might be, that is not communicated to him?—Yes; but all those reports that are made are invariably communicated to the commanding officer of the regiment.

3277. Sir *Henry Davie.*] In the case of a very old captain in the line, who had not had much experience in horsemanship, if it was the duty of the commanding officer to report whether he was fit for promotion, would it not be his duty to state that fact?—Yes.

3278. And would the Commander-in-chief let that officer know that he would not be likely to be mounted?—No.

3279. The commanding officer, however, has to report whether the parties are fit for promotion?—Yes.

3280. And mounting a horse is not considered a *sine quâ non* for a mounted officer?—No.

3281. *Chairman.*] Do you think, from your experience, that the relative positions of medical officers and executive officers is satisfactory?—Yes, I think so; the system works very well, I think; I have never heard any objection to it my experience only goes to regimental officers; they are as much under the control of the commanding officer as any officers in the regiment.

Sir *G. A. Wetherall.*

5 June 1856.

3282. You think that their position should not be made a more military one?—No; I do not see how it can be made a more military one than it is. The efficiency of the medical department depends more upon the Secretary of State for War than any body else. The efficiency of the medical department depends very much on the number of purveyors, and other civil auxiliaries; we know no more of the medical department than I have already stated. In short, we know nothing of it except as regards the general conduct of the officers. Their promotion depends on the Secretary of State for War. If a vacancy occurs, or any promotion is required, it is first submitted by the medical department to the Secretary of State for War; if he sees no objection to it, then the officer is recommended to the Commander-in-chief for promotion. It is possible that the Commander-in-chief may know of some objection to his promotion, but if he does not, the recommendation is returned with his approval, and the man is gazetted.

3283. We have had statements made here with regard to the propriety of medical officers sitting on courts-martial, and with regard to their relative rank and military authority. On the whole do you think that the present system works satisfactorily?—I think perfectly so; only I should be disposed to think that the establishment is not strong enough; a medical officer, for instance, can never get away from his regiment on leave of absence.

3284. Colonel *North.*] You would not have them sit on courts-martial, would you?—They do so constantly when there are no other officers to be found; on the coast of Africa, for instance.

3285. You would not give them any command on parade?—No; certainly not.

3286. Do you think it fair that the surgeon of an infantry regiment should have any thing deducted from him on account of forage?—Certainly not; he ought to keep a horse, or he is not efficient.

3287. Do you think that he ought to be allowed a servant to take care of his horse?—No; I think that his own servant might look after his horse; he is allowed a regimental servant.

3288. We have had it in evidence, that the surgeons of regiments in the Crimea were allowed forage, but no servants to take charge of their horses, and that it was perfectly impossible to get a civilian to look after a horse?—Yes, I believe it was so.

3289. And that the consequence of that was, that a surgeon in the field was placed in a situation of great difficulty?—Yes.

3290. Do you not think that in the field the whole of his time ought to be taken up with the men, instead of looking after his own affairs, and that he should be allowed a servant?—There is a great objection to two men being so employed; it takes the men away from their duty; I think that if they choose they may get civilians.

3291. It was stated by Lord De Ros, that he was unable to get one anywhere, though he offered 5 *l.* a month?—That may have been the case in the Crimea.

3292. Sir *Henry Davie.*] Do you ever grant leave of absence to regimental medical officers?—All applications for leave of absence to be granted to medical officers, are sent to the director-general, he being considered responsible for every regiment or corps having sufficient medical attendants; but leave of absence is very rarely given to medical officers, the establishment being too small.

3293. Colonel *North.*] In your opinion there should be more medical officers?—Yes, I think there should be a second assistant-surgeon at head quarters.

3294. Mr. *Leveson Gower.*] In the cavalry?—Yes.

3295. Colonel *North.*] They have to attend every mounted parade, have they not?—Yes.

3296. They are obliged to be present at every morning parade, are they not?—Yes, and so they are in the infantry; you must have a medical officer in attendance in case of accidents.

3297. Sir *Henry Davie.*] They are more liable to accidents, are they not, in the cavalry than in the infantry?—Certainly; but I have never known a regiment of infantry on parade, without a medical officer being in attendance; I am speaking of regimental parades.

3298. Colonel *North.*] In Ireland it frequently happens, does it not, that there

Sir *G. A. Wetherall.*

5 June 1856.

there are several detachments?—Yes; I am speaking of regimental parades, when the regiment is together.

3299. You think it would be proper to have three assistant surgeons?—Yes, two at head quarters and one at depôt.

3300. *Chairman.*] You do not think that the present number of medical officers is sufficient?—I do not think they have a fair share of leave.

3301. Is that owing to their limited number?—Yes.

3302. That, of course, is a financial question?—Yes.

3303. But independently of that, you think their numbers might be increased?—Yes, but I speak more particularly with reference to that point: I think that three medical officers are quite sufficient for the medical attendance of the regiment, but then two must be always there.

3304. Mr. *Legh.*] To give them a little more facility for getting leave of absence, you think the number should be increased?—Yes, I think so.

3305. Sir *Henry Davie.*] Do you see any objection to appointing, *pro tempore*, a staff surgeon or an assistant surgeon to a regiment?—They very often are so attached; that is constantly the case in large garrisons; when the medical officer goes away, his place is supplied temporarily by a staff assistant surgeon.

3306. Mr. *Legh.*] But he is paid by the surgeon, is he not?—No.

3307. Sir *Henry Davie.*] Even with that facility, you would recommend three assistant surgeons to an infantry, and two to a cavalry regiment?—I would; they have all the followers of the regiment to attend to; the wives of the soldiers and their families. The peculiar duties of staff surgeons are, to attend the staff, the civil departments of the garrison, the commissariat, &c.

3308. *Chairman.*] Have you any further suggestions to make to the Committee?—No; I think that the medical establishment, so far as I am acquainted with it, is very well conducted; the only thing I should propose would be that the establishment should be increased in strength; I do not know that anything else is required.

3309. Would you recommend that any alteration should be made with respect to pay?—I scarcely know what their pay is; there was a project on foot some months ago, which I believe was approved of by the Secretary of State for the increase of their pay, but I fancy it died; I think that is very much needed.

3310. Sir *Henry Davie.*] It was stated in evidence at the last meeting of the Committee, that during the Peninsula war the medical department was managed by a Board, but that that Board was done away with, and found not to work well; are you aware of that?—Yes; I think that Board are quite incompatible with command or with proper management; I served a great many years in the East Indies where everything was managed by Boards; but they were always quarreling among themselves, and never doing anything.

3311. You prefer that the whole responsibility should be vested in one individual?—Yes.

3312. *Chairman.*] Do you think that the present system might be improved by the appointment at the Horse Guards of a military secretary?—No, I think not; for there is scarcely any military element connected with the service, except its discipline.

3313. Colonel *North.*] Do you think there would be any difficulty in getting from the ranks of the regiment good and respectable men to act as hospital orderlies, if they were properly paid?—No; a medical staff corps has been established which is to supply the place of hospital orderlies. We have no necessity to have men drawn from the ranks.

3314. But if the allowance made to them were good, do you think there would be any difficulty in drawing from the ranks of the regiment good and respectable men to act as hospital orderlies?—No; there never has been any difficulty in it; but they are always employed temporarily only, and are generally the comrades of the sick soldiers.

3315 Do not the soldiers themselves like to be attended by their comrades rather than by strangers?—Yes; they cease to be orderlies when the number of sick is reduced.

3316. Sir *Henry Davie.*] When you were in command, did you find any inconvenience in employing serjeants and corporals to mix medicines in hospitals, or were they so employed?—Never; the hospital serjeant is too often the compounder of medicines; I think he ought not to be allowed to do it.

3317. You think it is scarcely safe to employ a person of that description in such a way?—Yes; I think it ought to be prohibited.

Sir *G. A. Wetherall.*

5 June 1856.

3318. Are you aware that it is done in the case of the household troops?—I do not know what their practice is.

3319. Colonel *North.*] Is it the fact, that the surgeon is obliged to certify upon his honour that he has himself compounded all the medicines, which it would be utterly impossible for him to do?—I do not know that any such certificate is required; but it is certainly contrary to the rule for a hospital serjeant to compound medicines.

3320. You do not know that the surgeons are obliged to certify upon their honour that they have done that which it is utterly impossible for them to do, namely, that they have themselves compounded all the medicines?—I do not know that they are called on to certify to that effect; I know of no such regulation.

Veneris, 13° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Colonel North.
Sir James Fergusson.	Sir John Trollope.
Colonel Kingscote.	Sir Henry Davie.
Mr. Bellew.	Mr. Noel.
Mr. Peel.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

George Owen Rees, Esq., M. D., called in; and Examined.

3321. *Chairman.*] WHAT is your rank and standing in the medical profession?—I am a Fellow of the Royal College of Physicians, and Resident Physician and Lecturer at Guy's Hospital, and one of the Examiners of the University of London.

G. O. Rees, Esq., M. D.

13 June 1856.

3322. Can you state the average number of pupils in Guy's Hospital?—They vary from 200 to 300 about the hospital at a time.

3323. Do you think that the most promising and the most highly-educated of those pupils enter the army medical department?—They do not, certainly.

3324. That is your deliberate opinion, from your experience?—Certainly; it is an exception when a man of that kind goes into the army medical department.

3325. Why do not they do so?—They do not consider the remuneration sufficient, and the prospect sufficiently encouraging.

3326. Do you recommend any of your pupils to enter the army medical department?—I very often recommend them not to do so, when from particular circumstances they wish to enter it.

3327. Are you aware, from any circumstances, of the state of things in the army medical department at present?—I am, to a certain extent.

3328. Will you be so good as to state the reasons which induced you, in the instances to which you have referred, to recommend students not to enter the army?—A man may wish to go abroad for a short time for his health, and he says that he will enter the army, and that if the climate agrees with him he will go on in the army; but if I think a man a promising young man, I recommend him to stay at home, because I feel certain that he may get a living by his profession here, and that it will remunerate him much better than serving in the army.

3329. Has it ever happened to you that a man who has not taken your advice has afterwards expressed an opinion of regret or otherwise with regard to it?—I have heard men regret having entered the army.

3330. Has that regret applied to any subject except the remuneration?—They seemed to think that they had lost time; that they should have done better had they remained at home.

3331. It has been stated before this Committee that there are three superintending ranks in the army medical department. Have you in a civil hospital officers superintending those who attend the patients as the medical officers of the hospital?—I cannot say that there is any exact superintendence. Where a man has an official appointment he has assistants under him, but they only assist him in his absence or if he requires any special aid.

3332. From what you have learnt of the arrangements in the army medical hospitals, does it appear to you that the relative positions of the medical men are not analogous to those in civil hospitals?—I think not at all. There is a position in our hospitals which might be construed into something like superintendence. We have occasionally what are called consulting physicians and surgeons, but they are especially careful not to interfere, and generally speaking they do not enter the hospitals once in eight or ten years. They keep away apparently on purpose. A physician, if he wishes to retire from an hospital, is sometimes asked to assume the title of consulting physician, and the same thing has sometimes happened with hospital surgeons; but it is a nominal affair in the London hospitals. If a consulting physician or surgeon interfered in the cases, I do not think it would be doing justice to the patients.

3333. How do you watch the younger members of your body in the hospital; what supervision is there over them?—They do not treat cases except under the directions of the physician or surgeon.

3334. To whom do you report on their conduct?—We should not report to any one except in cases of absolute misconduct, irrespective of professional delinquency; any absolute moral delinquency would be reported to the treasurer and governors of the hospital, but if they commit any fault they would be merely reported to the surgeon or physician under whom they act.

3335. You never report confidentially to the governors?—I never heard of any case.

3336. There are never accusations brought against them that they have no opportunity of refuting?—We do not expect them to know anything; they act entirely under our direction; we are teaching them; if they make a mistake it is looked upon as a misfortune. Those dressers, and men who act under us, have not passed examinations.

3337. In those large hospitals are all the medical men graduated according to a certain rank?—There are three or four surgeons, and three or four physicians, as the case may be, and each physician and each surgeon has an assistant acting under him; that is the general plan; so that you have physicians and assistant physicians, and surgeons and assistant surgeons.

3338. Do those report upon each other to the governors or committee in case of anything flagrantly wrong?—I never heard of such a thing as a report; I do not think you would get any hospital physician or surgeon in London to report upon such a subject.

3339. What diplomas or certificates are necessary for practice in private life?—To be a member of the College of Physicians, and a licentiate of the Apothecaries' Hall and a member of the College of Surgeons.

3340. Is a diploma from the London College of Surgeons sufficient to practise medicine in England?—No; a man is not a licensed practitioner of medicine if he passes the College of Surgeons only.

3341. Is a certificate of attendance on medical lectures a sufficient guarantee of actual attendance for a considerable period, and a sufficient proof of the student's knowledge of the subjects of those lectures?—Certainly not. Our examining bodies are not content to receive certificates, They always examine the man, notwithstanding his certificates, however good those certificates may be. I am speaking of the College of Physicians, the College of Surgeons, and the Apothecaries' Company.

3342. Is there any weight attached to certificates of attendance on medical lectures?—Not a great deal; practically speaking, they are not of the value that would be supposed at the first view.

3343. Would you think it necessary, for the safety of the patient, that every medical man should be examined as to his knowledge of drugs and poisons, &c., and their appearance, before being appointed to practise?—Unless a man practises

practises in a large metropolis like this, where he can always get assistance, it is certainly very valuable to him to have a knowledge of drugs; here it is not so, because he can always get his drugs purchased by competent persons; but with regard to the army, I should say that it is especially necessary to have a thorough knowledge of drugs, the army being often abroad and occasionally thrown upon its own resources. Here we can always get assistance.

3344. But London would be an exceptional case?—Quite so. To a man going abroad, that knowledge would be absolutely necessary; he ought to be a better druggist than a man practising in England.

3345. Do you think that a *viva voce*, or written examination, is sufficient without an inspection of those drugs?—At our examinations at the University of London, which we consider perhaps amongst the very best examinations existing, we always make the candidates examine the drugs and state to us whether those drugs are free from the impurities, generally speaking, with which they are sometimes contaminated.

3346. Have you any medals or prizes given to medical students who excel in particular branches of the profession?—They have in most schools, but we have not at Guy's Hospital.

3347. Do you think that a good plan?—We have given it up at Guy's Hospital, because our impression was that it was not a good plan; it induced a man, we thought, to pay too much attention to one subject; distracting him from medicine generally. He might take botany or chemistry to the neglect of other subjects. That was our special reason for giving it up.

3348. A medical man may excel in one particular branch, and still be deficient in his profession generally?—He may still acquire a thorough knowledge of it; but in some cases we have reason to think that he will be led to neglect other branches by taking up one specially as a student; we were anxious upon that point.

3349. Have you ever had communication subsequently with those whom you have recommended not to join the army?—I have occasionally; I can recollect only one instance.

3350. Do you recollect any cases in which you have heard regret expressed on account of not having entered the army?—I never heard regret expressed on that account.

3351. Have you heard regret expressed the other way?—Yes. Any man who chooses to work in private practice, if he is a man of moderate intellect, will, to a certainty, do better in a pecuniary point of view than a man can do by entering the army.

3352. Sir *John Trollope*.] Have you considered the great difficulties of medical men in obtaining private practice at the present time?—Every man who has practised in London has experienced that.

3353. I do not speak of London only, but the country also?—Yes; it is the case generally.

3354. Are not you aware that many medical men are glad to obtain practice, even in a country village, of a very unremunerative character?—Certainly; comparatively speaking, with what he might get in other localities.

3355. Are you aware that there are above 3,000 medical men at this time, employed by the Poor Law Board, in dispensing medical assistance and medicines to the poor?—It may be so.

3356. Do you know the average rate of remuneration of medical officers of unions, under the Poor Law Board?—No, I do not; I believe their incomes are not chiefly derived from that.

3357. But you are aware that they take that practice on very low terms?—Yes.

3358. Does not that arise from the great spirit of competition that exists among medical men?—It does; they are anxious to get an introduction into practice.

3359. The remuneration, in fact, is none at all in many cases, but they are out of pocket by such practice?—I believe that certainly does happen.

3360. Then I ask you to put in comparison the professional status of those gentlemen with that of an army medical officer, who has certainty of pay and promotion, according to his length of service?—I think that the prospects of a man, who even takes a union for nothing, may be infinitely superior to those of a medical officer in the army, who is immediately paid. He may even take

G. O. Rees, Esq., M. D.

13 June 1856.

that work for nothing, with the view of getting into practice, but I look upon his prospects as better, if he is a working man.

3361. Generally speaking, you are aware that the severest competition exists amongst medical men, both in town and country, to obtain practice?—Certainly; in all professions it must be so.

3362. There are a very great number of cases annually occurring of unremunerative practice?—Yes; they do not make it answer as they could wish, but they can always live. The thing must be a matter of comparison; I am speaking of the condition of a medical man in private life as compared with one in the army; I should say that it would be a very signal failure indeed, if at the end of 25 years a man could only get 200 *l.* a year, assuming the man to have worked hard.

3363. You have drawn an analogy between private practice and the army medical department, and you give the preference generally to the former; are you aware that one of the objects of this Committee is to raise the status, or rather to take into consideration, and to inforce the condition and prospects of the medical department of the army?—I do not know the exact intention of the Committee; but I believe it is with the view of improving the status of the medical department of the army.

3364. Have you ever served in any military capacity, or have you ever seen anything of military practice of surgery and medicine?—No; I have been in a military hospital, but I have never been in the service.

3365. Are you aware that the medical gentlemen connected with the army, practise all the branches of medicine and surgery?—Yes; I do not know that they practise much in the diseases of children.

3366. Are you aware that the medical officers in charge of a regiment have also the charge of the health of the women and children attached to the regiment?—I believe they have.

3367. Therefore surgery, even including midwifery, must come under their attention?—Yes, occasionally.

3368. In your practice in London, have not you met with many retired medical officers in the army who have obtained high reputation and large practice subsequently in life?—I know one or two.

3369. Were you acquainted with the late Mr. Guthrie?—I knew him.

3370. And there are others who practise in London?—There are others; there is one I know who has retired from practice who had a very remunerative practice.

3371. Are you not aware that there is no branch of the profession in which men can obtain a higher reputation or greater skill and knowledge than in the army medical practice?—No, I do not believe that that is the case; you have cited Mr. Guthrie. I believe that, had he been an hospital surgeon, with his knowledge, and talent, and industry, he would have had a much larger income and a higher position as a surgeon than he enjoyed at his death.

3372. In your opinion, is the only thing that is required to put the medical gentlemen connected with the army in the same position with those in civil life, to increase their opportunities of promotion, with the view to an early retirement?—And to make their prospects better altogether; the advantages should be extended generally.

3373. If that were done, would not the competition to enter the army amongst young medical gentlemen be greater than it is at present?—The temptation to enter the army would be greater then, undoubtedly.

3374. Mr. *Peel.*] Are you acquainted with the present rates of pay in the army?—I have been frequently told what they are; I have understood about 7*s.* 6*d.* a day is given to an assistant surgeon, and about 12*s.* to a full surgeon; then there are some deductions from that.

3375. What are the deductions?—To what they amount exactly I do not know; I believe they are for the mess and the band.

3376. Sir *Henry Davie.*] Are you aware of the examination which an officer has to go through previously to being admitted into the medical service of the army?—He undergoes an examination necessarily, I believe, at the College of Surgeons, but not necessarily before the Apothecaries Company. He then is examined by the Army Medical Board, and then he is allowed to enter the service.

3377. Are you aware whether there is any examination as to the use of medicines

medicines as well as surgery?—I believe that is done by the Army Medical Board.

G. O. Rees, Esq., M. D.

13 June 1856.

3378. Do you think it would be sufficient for an officer entering the army as an assistant-surgeon, to come armed simply with a diploma from some of the universities, and not to undergo any other examination?—I think not.

3379. Is it the fact that those diplomas do not all necessarily imply a knowledge of medicine?—They are not considered so by the examining bodies, inasmuch as we do not admit a man as a licentiate of our College of Physicians without examining him, notwithstanding that he may have his diploma from Oxford, Cambridge, Edinburgh, Dublin, or any other of the universities, as medical schools. We sometimes at our college reject men having the diplomas of those universities.

3380. Which are the universities to whose diplomas you attach importance?—We attach a certain amount of importance to most of them; not any very great amount of importance; but there are none to which we attach such a degree of importance as to induce us to receive their diplomas as a sufficient guarantee of a man's competency to practice.

Sir *Benjamin Hawes*, K. C. B., called in; and Examined.

Sir *B. Hawes*, K. C. B.

3381. *Chairman.*] I THINK you have been entrusted with the chief management of the Civil Hospitals since the war began?—The correspondence was originally placed under me, subject to the usual regulations of the office.

3382. And it came under your immediate cognizance?—In the outset very much so.

3383. Will you be so good as to state to the Committee the origin of those hospitals?—In the autumn of 1854, or late in the year 1854, there was a general impression that additional medical assistance was necessary to meet the state of sickness in the army, and it was thought that the most effectual aid would be given by establishing one or two civil hospitals, as circumstances afterwards should determine. Accordingly the civil hospital at Smyrna was the first established. Mr. Sidney Herbert, who personally took the greatest interest in that establishment, consulted certain medical gentlemen in London: Sir John Forbes, Mr. Arnott, Mr. Bowman, and Mr. Grainger, I think. They reported to him generally what they thought to be necessary with regard to the number of medical men, assuming the probable number of patients to come under their charge, and the remuneration which they ought to receive; and upon that report Mr. Sidney Herbert acted, and established the hospital at Smyrna.

3384. What communication was made to Dr. Andrew Smith upon the subject?—I think only general communications were made to him. I am not aware that he was consulted as to the policy of establishing a civil hospital; it was thought to be necessary in aid of the medical establishment of the army at the time.

3385. Mr. *Peel.*] Do you know whether they had been employing civil surgeons in the military hospitals at Scutari?—I think at that time no civil surgeons were employed at Scutari; subsequently they were, but, I think, not at that time.

3386. But afterwards they were employed by the medical department of the army?—Those civil surgeons who were afterwards employed, were employed undoubtedly by the medical department of the army, the head of which is Dr. Smith.

3387. Showing that the medical department of the army itself was incapable of supplying the full number of surgeons that were required?—Certainly.

3388. *Chairman.*] Was the idea entertained of giving those hospitals a military organisation?—The idea was never entertained by Mr. Sidney Herbert, nor am I aware that it was ever entertained in the War Department. The general impression of the medical gentlemen, to whom I have alluded, certainly was against placing the civil medical staff under the army medical department; they entertained strong objections to that, and those objections were thought to be valid; they were men who had been brought up in civil life, with habits unaccustomed to military discipline, and military command; and it was thought that it would be rather an unfortunate circumstance if they were placed under military medical officers; consequently the civil staff was quite independent of the army medical department.

Sir *B. Hawes*, K. C. B.

13 June 1856.

3389. What is the position now of the chief civil medical officer at Renkioi, with regard to the purveyor?—The purveyor in all military hospitals is bound to act under the directions of the principal medical officer, and is subject to him. The same principle holds good in the civil hospitals. The purveyor would obey any orders given by the principal medical officer, with regard to supplies of every description; I am not aware that any difficulties have arisen on that head; none have come to my knowledge.

3390. Have you any returns as to the sanitary condition of those hospitals, or the state of the patients in them?—We have from Renkioi monthly reports from Dr. Parkes, abstracts of which could be prepared if the Committee wish it; but they are not very numerous, as you are aware, because the hospital has not had a very long existence.

3391. Can you state the substance of those reports, and put them in afterwards?—I may state that, generally, they are very favourable; they are monthly reports, giving the exact number of patients, and the deaths, and the cures; matters of statistical detail.

3392. There was a Return moved for last year, and laid on the Table of the House of Commons, with regard to the mortality at Smyrna, which was anything but favourable to the hospital; was not that the case?—With regard to Smyrna, I am bound to say that that Return would lead to a very fallacious inference, if it was supposed to show either want of attention, or want of ability, or the injurious effects of the climate; because a great number of the cases sent down to Smyrna were cases in almost the last stage of disease and suffering, and deaths consequently ensued soon after landing; they were scarcely to be considered as cases that could be cured; they were subjected to humane treatment, which was about all they would admit of. It would be an erroneous conclusion to draw any inference from that Return, of either mismanagement, or the climate being unfavourable to the patients at Smyrna.

3393. Sir *John Trollope.*] Were there not some drains, or other matters, that affect the sanitary condition of the hospital there?—I think not; at first undoubtedly there were some objections taken with regard to certain drains, but they were speedily dealt with, and removed within a very short period; and subsequently the Sanitary Commissioners visited Smyrna, and a number of further improvements were carried out, and the later reports from Smyrna are of a most favourable description.

3394. Has not the hospital at Smyrna been for some time abandoned?—Not for some time; I cannot give you the exact date, but it has only been very recently given up, simply from the war having ceased, and all probable want of it being at an end.

3395. Did it not cease to be an hospital sometime before the war ceased?—Certainly not. The large hospital building (formerly the Turkish barracks) was given up in November, for the purpose of affording barrack accommodation for the Swiss Legion; not in any way on account of sanitary objections. The civil staff was reduced in numbers, and attached to the smaller building, formerly the Turkish hospital.

3396. Mr. *Peel.*] Was not the civil hospital at Smyrna retained as a general hospital some time after the Swiss legion went to Smyrna?—Certainly.

3397. And continued as such up to the last moment?—And continued as such up to the last moment; and even now some officers connected with the civil hospital are there whilst the Swiss legion remains, but only a very small staff; I believe it is little more than the purveyor and the clerk of the works; but there is a portion of the staff there even at this moment.

3398. Sir *John Trollope.*] Was not the hospital at Renkioi considered very preferable, as being in a better situation?—At the time that the site of the Smyrna Hospital was chosen Renkioi was not known. Smyrna was reported upon very favourably both by local medical practioners and by medical practioners from this country, and the reports, I think, have been borne out by the result completely, showing that Smyrna is a place where an hospital may be established with great advantage to certain classes of invalids. Afterwards, when it was determined to extend our civil hospitals, further inquiries were made for another site, and undoubtedly a better site was found at Renkioi. But that was the result of a long investigation, both by Dr. Parkes and by other medical gentlemen, who wrote home very fully upon the subject; and it was finally determined to establish an additional hospital at Renkioi.

3399. Was

3399. Was not one of the chief medical officers Dr. Wells or Mr. Wells?—He was one of the surgeons; he was not the chief of the medical officers; he was the senior surgeon at Smyrna.

3400. Was not he placed in charge of the hospital at Renkioi?—Certainly not.

3401. That gentleman was a half-pay naval surgeon?—We did not know that at the time; it was only very recently that that came to our knowledge.

3402. It is the fact, is it not?—It is the fact.

3403. Are you aware that he declined service on board two ships of war, which were offered to him, on the plea of ill health?—No; I know nothing of it whatever.

3404. Are you aware that he is connected with some insurance office at Smyrna?—I never heard of it till this moment.

3405. You did not receive any report from him as to the healthiness or unhealthiness of Smyrna Hospital?—No; that would not come from Mr. Spencer Wells, and we have received no report from him upon that subject.

3406. Mr. *Peel.*] He was not the principal medical officer at Smyrna?—Certainly not; Dr. Meyer was the principal medical officer at Smyrna, from whom we could exclusively receive reports as to the state and condition of the hospital.

3407. *Chairman.*] Has Dr. Meyer returned?—He is about to return; he is expected every day.

3408. Sir *John Trollope.*] What is the position of the civil surgeons at this present moment?—Is the War-office under engagement to pay them for any length of time?—The original agreement, I think, was to guarantee them a year's pay, and six months' gratuity.

3409. Was the amount of their pay graduated according to their rank?—I have the amount of their pay here. In the Smyrna Hospital which was established, contemplating the probable number of patients at 1,000, there was one superintendent who was to receive 2,000 *l.* a year; three physicians at two guineas a day; six assistant physicians at 25 *s.* a day; five surgeons at 42 *s.* a day; ten assistant surgeons at 25 *s.* a day; one resident medical officer at 25 *s.* a day; one head dispenser at a salary of 200 *l.* a year; three dispensers at 7 *s.* 6 *d.* a day, and one medical secretary at 200 *l.* a year.

3410. Was that the whole staff?—Yes.

3411. Employed at all the civil hospitals?—No; that applies to Smyrna; we rather reduced the staff when we established Renkioi.

3412. *Chairman.*] When did you reduce the pay?—Not the pay. The pay of the individual medical officers was the same, both at Smyrna and at Renkioi; but we reduced the number.

3413. Sir *James Fergusson.*] You stated that the Government introduced the system of civil hospitals, because they could not secure the services of a sufficient number of army medical officers. Now did the Government try to increase the number of medical officers by raising the pay at the time that emergency arose?—No, the Government did not do that. That would be a very large question quite irrespective of the establishment of civil hospitals; and it would have involved some time and some delay to consider what the pay of the medical officers should be. The necessity for doing something was urgent and immediate, and therefore we acted under the advice of that medical committee to which I have referred.

3414. Would it not have been possible to have promoted the junior medical officers in the army to higher positions in the first place, in order to fill those vacancies?—I am hardly able to answer that question. It was necessary to establish an hospital at once, and to provide it with men of competent ability, and of known professional standing; and, inasmuch as our army surgeons were closely employed, I can hardly say whether or not the army could have afforded a sufficient medical staff without great inconvenience; and if it had, then civil practitioners must have taken their places in the same way.

3415. But no attempt was made to increase the number of the medical officers of the army by increasing their pay?—Not by increasing their pay; but the number was largely increased.

3416. But the number could not be increased sufficiently, because medical men would not come forward in sufficient numbers?—You will remember that the army service is a regular service, rising by gradations; and therefore you could

Sir *B. Hawes*, K. C. B.

13 June 1856.

could not suddenly introduce any other than a very young class of practitioners; you could not introduce men of considerable professional standing, without placing them over the heads of those who were in the service already, which would have been felt an intolerable grievance.

3417. Mr. *Peel.*] Supposing you had promoted some of the army surgeons to those better paid situations in the civil hospitals, do you consider that it would have been for their advantage to receive during the war a higher rate of pay, and then to be placed upon half-pay, which would have been the case?—I can hardly deal with that case, because it involves a great many considerations; I do not know that they would necessarily be placed upon half pay; they might or they might not. It is a question so involved in the existing system, that at the time when the subject was considered, it was out of our power to enter largely into the subject; we had no time to consider any other question than the best way of providing for the immediate emergency. The Committee must therefore feel in this case, that what was done was done under the pressure of the urgent necessity at the time. It is not as if we had had 12 months or six months to consider what we should do.

3418. Sir *John Trollope.*] Do not you think that it was a great disappointment to the medical officers of the army to have those gentlemen so infinitely preferred to themselves in pay and appointments?—I do not; and I do not think that upon further consideration of the subject it can be so considered. Those gentlemen were drawn from their existing practice, from their homes and their employment, upon conditions which enable the Government to dispense with their services immediately, without any remuneration whatever, except the gratuity. The army medical surgeon has the prospect of increasing pay and increasing rank, and of honours, and distinctions, and a pension, and a pension also for his widow.

3419. Upon the termination of the war, will not a certain number of army medical officers be placed upon half-pay in a much more sudden way than that in which those civil surgeons are dispensed with altogether?—That is quite true; but they are liable to be called into service again whenever their services are required: and there is very little doubt that, after a certain time, they will be re-absorbed into active service.

3420. Mr. *Peel.*] Would not there necessarily have been a much larger number of army medical officers placed upon half-pay, if army surgeons had been employed in those hospitals at Smyrna and Renkioi, and other places?—Yes, I think so.

3421. Sir *Henry Davie.*] Would you not, if they had been so employed, have been obliged to increase the number of medical men in the army?—Yes.

3422. By increasing the number of medical men in the army you would of necessity have increased the number on half-pay when their services were no longer necessary?—Certainly.

3423. *Chairman.*] Do you think that men of sufficient eminence in their profession for the duty would have served under military authority?—I think, speaking from the intercourse I had at the time with many able men connected with the medical profession in England, that they would have entertained an insuperable objection to being placed under the army medical surgeons.

3424. Mr. *Peel.*] They were placed under military authority, as far as being under the authority of the military commandant?—Not exactly; they were not under the orders of the military commandant.

3425. In regard to matters of discipline, were they not under the authority of the military commandant?—Not the medical men, strictly speaking, I think. As I understand the case, it was this: the military commandant was responsible generally for the order and discipline of the hospital, but the superintendent had the whole medical control, the military commandant not in any way interfering.

3426. Was not the relation of Colonel Storks, at Smyrna, for instance, to the principal medical officer in the civil hospital there, precisely the same as it would have been if there had been an army medical officer in charge of the hospital?—I think the civil superintendent was more independent; because, certainly, an army medical superintendent would have been under the Army Medical Department, and would have been generally subject to more immediate military control than the civil superintendent was, or was intended to be. Allow me to read a short passage in the instructions issued by Lord Panmure, on March the 9th, 1855, to the superintendent of the civil hospital at Smyrna. The last

last article is to this effect: "As the whole medical charge and responsibility of the hospital, in reference to the care and treatment of the sick soldiers in the hospital, is vested in the superintendent, so the general maintenance of order and discipline among the soldiers is vested in the commandant."

3427. Does not that seem rather to confirm the view put in my question to you, namely, that the military commandant had the same powers in relation to Dr. Meyer that he would have had if there had been an army medical officer in place of Dr. Meyer?—I do not draw quite the same inference from that passage. It strikes me that it defines very distinctly the military authority and the medical authority.

3428. Colonel *North*.] The medical man, in fact, is not to interfere with the discipline of the men?—Just so.

3429. Sir *James Fergusson*.] To whom is the medical superintendent responsible; is he responsible to the commandant of the station, or to the authorities at home?—To the authorities at home.

3430. Mr. *Bellew*.] Could he have left his appointment without receiving an order or permission so to do from the military commandant?—Yes, I think he could; I think the arrangement provided for that; but then he would have lost his gratuity and all advantages of completing his agreement.

3431-38. Is there a military commandant at Renkioi?—Yes, Major Chads.

3439. Has he been long resident there?—I cannot say exactly; but I believe he has been there ever since December last, when he was transferred from Smyrna.

3440. Sir *James Fergusson*.] In answer to a former question, you said that the number of army medical officers placed on half-pay at the end of the war would have been much greater if the civil hospitals had not been established; but the reason you gave for substituting the civil hospitals was, that a sufficient number of medical officers could not be found; is there not some inconsistency between those two answers?—No; they are a very different class of men. I do not know that you might not have found young men to add to the army medical service; but you could not have found men of that weight and tried reputation which was deemed necessary when you had to establish a new hospital in an emergency.

3441. But the reason for instituting the civil hospitals was, that a sufficient number of army medical officers could not be procured?—That is to say, the army medical officers had full employment; they had as much as they possibly could do. It was thought desirable to extend the hospital accommodation, and we then resorted to civil medical practitioners to effect the object.

3442. Is not it the fact that it is easier to procure civil medical officers than army medical officers, because the rate of pay in the army is so small, that it will not command the services of such men as were required?—Again you must permit me to say that we are dealing with different classes. If you take men in practice and men of standing, you must pay them much higher than you do your military medical officers, as you take them subject to the condition of dismissing them when you have done with them; you must pay a remuneration commensurate to the advantage you so gain. Now, with regard to the army surgeons, they are young men who are put into the army at the bottom of the list; you could not put men of standing and eminence over the heads of those who are now filling the lower rank.

3443. What system was adopted to supply the medical officers of the Turkish contingent?—We resorted to civil medical practitioners entirely, in the same manner as I stated before.

3444. Mr. *Bellew*.] You stated just now that the civil hospitals were established in consequence of the suddenness of the emergency which had arisen; that statement would seem to imply that if the emergency was not so sudden, supposing the commencement of a new war, some other plan would be resorted to; have you turned your mind at all to consider what plan you would recommend?—My observation had reference to the general arrangements that were made. The Committee must consider that they were made at a moment when there was a serious and urgent necessity for some provision. With regard to any other plan, I cannot say that I have formed any decided opinion.

3445. Mr. *Peel*.] Has not the testimony with regard to the working of those civil hospitals been, without exception, favourable?—It has been, without exception, of the most favourable description possible. I cannot say that we should have anything to undo, unless we had to revise the proportion of medical

Sir *B. Hawes*, K. C. B.

13 June 1856.

men to patients, as the result of practical experience; but from the experience we have had, I should say that, should such an emergency arise again, we should do well to adopt the same plan.

3446. That testimony has been the testimony of military officers who have been conversant with what has been passing in those hospitals, such as that of Colonel Storks?—Certainly. Dr. Hall, writing on the 5th of March 1855, says, "I see no reason why these establishments so officered should not answer well." He goes on to say, "I think it would not be advisable to mix up civilians with military medical officers in the same establishments;" which meets another question that was put to me.

3447. Sir *John Trollope.*] May I call attention to a memorial that was presented by the surgeons of the army serving before Sebastopol, to the Secretary at War, dated "Camp before Sebastopol, August," in which one of the grievances spoken of is the establishment of those civil hospitals?—I think it was the Secretary of State's branch that decided upon that.

3448. Those gentlemen state it as a grievance that civil practitioners should have been introduced to hold some of the higher appointments which might, in the first instance, have been offered to them as the more legitimate claimants for them. Do you not think it possible that officers holding medical staff appointments, or the senior surgeons of regiments, might have been appointed to those hospitals, with promotion to staff appointments?—If I rightly interpreted the feelings and opinions of the medical gentlemen with whom I was more immediately brought into contact, when the civil hospitals were about to be established, I should say assuredly that they would have objected to military medical officers being placed above them, and that we should not have been able to form a civil hospital if we had insisted upon it.

3449. You think that the civil and the military elements would not have worked well together?—I think so. Dr. Hall, in his letter, appears to be of the same opinion.

3450. Those gentlemen state that many of those civil surgeons were junior to them both in years and in the profession, and that they were inexperienced in the habits and diseases of soldiers, and unused to maintaining discipline, and they allege that it is a grievance that those gentlemen were preferred to them?—The matter divides itself into two parts. I will deal first with the professional part. Mr. Sidney Herbert acted entirely under the advice of those gentlemen to whom I have referred in the outset. If they recommended a man to him for an appointment in a civil hospital he adopted that recommendation. With regard to maintaining discipline, the civil medical officers had nothing to do with maintaining discipline; that was in the hands of the commandant. The commandant would see that proper discipline was maintained.

3451. But the commandant could not possibly supervise the discipline of the wards of convalescents, for instance, at all times; must not that necessarily come more immediately under the notice of the surgeons in charge?—I take it that, if the surgeon found any difficulty, he would appeal to the military commandant, with a view to the maintenance of discipline, if necessary.

3452. Mr. *Peel.*] Did you ever hear that there was anything but the most perfect order in the civil hospitals?—I never heard anything to the contrary.

3453. Therefore all those anticipations were falsified by the actual result?—Assuredly I never heard of any want of power to maintain discipline; on the contrary, many instances have come to my knowledge in which the discipline was maintained by the simple expression of a wish on the part of the medical officers, and sometimes on the part of the ladies and the nurses attending upon the sick.

3454. Mr. *Bellew.*] Then may the Committee infer that, in the case of a recurrence of an emergency of that kind in the army, you would have recourse to the same line of conduct again, namely, the establishment of civil hospitals for the treatment of sick soldiers?—That, I think, is a question which must be answered with reference to all the circumstances which compel us to consider the subject; it is difficult to say what should be done in another case, when the circumstances might not be the same. But undoubtedly our past experience would be in favour of the system in aid, if necessary, of the Army Medical Department.

3455. Sir *James Fergusson.*] Supposing you had to establish extra hospitals in time of war, would you prefer to establish them under civil practitioners to putting

putting them under army surgeons, supposing you could secure a sufficient number of army surgeons?—I think it must depend entirely upon the circumstances at the time; I think that the army medical officers are a body of great experience and of great professional ability. They have shown their ability and devotion in the late war in a very marked manner. I should not wish therefore to be understood as desiring to supersede them in any way. If a civil hospital were to be established, it would be on the ground that the emergency of the case required additional aid, and that we could not get any aid so quick and so efficient as we could obtain by calling in civil medical practitioners at the moment.

3456. Colonel *North.*] With regard to the treatment of sick soldiers for fever and diseases of that sort, perhaps the civil surgeons might be equal to any military ones; but with regard to the treatment of soldiers in the field, where most of the cases arose from gun-shot wounds, and things of that sort, would it not be more likely that military medical officers would understand those cases, and treat those cases much better than any civil surgeons?—Those cases would necessarily come under the military medical officers, because these hospitals were in aid of the sick and wounded, not in the field, but those who were removed to the civil hospitals.

3457. Mr. *Peel.*] You are aware that several civil surgeons in Smyrna were allowed to go to the Crimea, and were there on the occasion of the assault upon the Redan, and were employed in attending to the soldiers wounded upon that assault, and were considered to have done their duty in a particularly skilful manner?—Certainly; I think they received the thanks of Dr. Hall for the great services which they rendered.

3458. Have you Dr. Hall's testimonial upon their leaving the Crimea?—I have; it is in a despatch from Dr. Hall to General Simpson, of September the 9th, 1855: "Of the skill and attention of the medical officers, both staff and regimental, as well as of those gentlemen who had volunteered their services from the civil hospitals at Smyrna and Renkioi, and from the general hospital at Scutari, I cannot speak too highly."

3459. Mr. *Bellew.*] You stated that one inducement to the army medical officers to enter the service was the honours and distinctions to which they look forward. Are you aware that, although the medical gentlemen in the Crimea who distinguished themselves were mentioned by the authorities under whom them were immediately acting, their names were afterwards omitted in the despatches sent home?—That is a matter which does not fall within my knowledge, nor does it fall within my province to give an opinion upon it.

3460. *Chairman.*] Will you state what was found for the soldier in the civil hospital?—I will put it in, in detail. But, generally speaking, the clothing was found; of course the food was found; his regimental clothing was taken from him, and the hospital clothing was given to him.

[*The same was delivered in, and is as follows:*]

Hospital gown Waistcoat Pair of trowsers	Of grey duffle in winter; of cotton in summer.
Flannel shirt.	
Cotton shirt.	
Nightcap.	
Socks.	
Slippers.	

3461. Sir *John Trollope.*] Was there any difference in the treatment of the soldiers with regard to clothing and allowances in the civil hospitals from that in the military hospitals, or were they treated on precisely the same footing in those respects as if they had been in the military hospitals?—On precisely the same footing.

3462. *Chairman.*] That is to say, that Scutari and Renkioi were on the same standard as to clothing and allowances?—Yes.

3463. Sir *John Trollope.*] The treatment was the same as if they had been at Balaklava?—Yes, certainly.

3464. Sir *Henry Davie.*] With regard to these civil hospitals, when the emergency which called for their establishment is over, and they are broken up, will any permanent expense be entailed upon the country for them?—None whatever.

Sir *B. Hawes*, K. C. B.

13 June 1856.

whatever. The agreement with the medical gentlemen provides for the termination of their services and the payment of a gratuity. When the gratuity is paid the connexion between them and the Government ceases.

3465. *Chairman.*] What power has Dr. Parkes with respect to alterations in the hospitals or repairs of the hospitals?—I do not know that he has any actual power, but there is no recommendation that Dr. Parkes would make that would not be at once attended to. If it involved any large expense, of course the subject would be referred home to be considered, and sanctioned if thought necessary.

3466. Is there any officer in a civil hospital analogous to the barrack-master in a regimental hospital or a general hospital?—There is only the purveyor, who has perhaps a rather more extended duty in a civil hospital than he would have in a military hospital.

3467. In the civil hospital, has Dr. Parkes the power of directing alterations to be made at once?—Provided the expense is not large; but if it involves any large expense, we think it necessary that it should be brought before the authorities at home for decision before the work is undertaken.

3468. Sir *Henry Davie.*] May the purveyor remonstrate against any expense incurred by the chief medical officer?—No; the purveyor is not to remonstrate; he is at once to obey the order. If he thinks it necessary to represent the circumstances to the Secretary of State, he is by the regulations at full liberty to do so; but in the meantime he must obey the orders of the principal medical officer.

3469. Then he first obeys the order, and afterwards communicates with the Secretary of State for the War Department, calling attention to the expense if it appears to him exorbitant?—If he should think fit to do so upon any financial question, he is at liberty to do so.

3470. Does he in that case communicate direct to the Secretary of State, or through the chief medical officer?—By the printed regulations he does it direct to the Secretary of State.

3471. *Chairman.*] Upon whom does he draw for the money?—Upon the commissariat officer, who is the officer that provides funds for any work that is undertaken.

3472. I understand you to say that he always answers Dr. Parkes' demands?—To any reasonable extent; no doubt any extraordinary demand would be the subject of consideration at home.

3473. That is left to the discretion of Dr. Parkes?—In some degree, no doubt.

3474. Has the British Consul at the Dardanelles had anything to do with these hospitals?—I am not aware that he has, except giving a great deal of useful information and advice. Mr. Calvert is an officer of great ability, and much respected in that part of the world; and I am quite sure that much advantage has been derived from communication with him.

3475. Has your experience, with respect to these hospitals, been sufficient to enable you to determine the proportion of medical officers to the number of patients?—I think not, because none of those civil hospitals have really come into full operation. Renkioi is not yet completed; it was originally contemplated that there should be a provision for 3,000 sick; Renkioi has never had more than 562 patients at any one time.

3476. What are the staff of orderlies in those hospitals; military men, are they?—There are both civil and military orderlies.

3477. In what proportion to the patients?—One to ten, I think, is the ordinary proportion for personal attendance on the sick.

3478. How are the civilian orderlies appointed; are they part of the hospital staff corps?—No, the hospital staff corps has been formed since. Some of them have been employed at Scutari, and at other military hospitals; at Malta; but they not have been employed in the civil hospitals.

3479. On the formation of the hospital staff corps, what were the qualifications required of the orderlies?—At first I think there was some misunderstanding; but latterly they have been required to be able to read and write well, and to present general testimonials of character; and those who have been so selected have turned out exceedingly well.

3480. Mr. *Peel.*] Was it not the case that when the civil medical staff went to Smyrna, there was a proportion of persons whose duties were intended to be to attend upon the sick, and to whom others were added who were selected in Malta and elsewhere, for the express purpose of doing the duties of orderlies in that

that civil hospital?—A power was given to obtain orderlies from Malta, in case of need.

3481. Colonel *North.*] Were the civilian orderlies paid higher than the military ones?—Yes; the military orderly receives 4 *d.* a day, in addition to his regimental pay; the civilian orderlies received from 20 *s.* to 25 *s.* a week.

3482. Do you think that one orderly is sufficient to look after ten men, to cook, to light fires, to clean the rooms, and to do all the different details of work of a regimental orderly?—I have not information enough to give an opinion.

3483. Mr. *Peel.*] Can you give us the proportion of attendants of the medical staff corps to the number of patients in the hospitals?—The medical staff corps consists of 10 companies, each of which is calculated for attendance in a hospital for 500 patients, and is composed as follows:

PURVEYOR'S DEPARTMENT.

1 Steward, to rank as serjeant-major.
4 Assistant-stewards, to rank as serjeants.
6 Issuers, to rank as privates.
2 Washermen, to rank as corporals.
1 Cook, to rank as serjeant.
4 Assistant cooks, to rank as privates.

SURGEON'S DEPARTMENT.

1 Wardmaster, to rank as colour-serjeant.
8 Assistant wardmasters, to rank as corporals.
3 Barbers, to rank as privates.
20 Orderlies of the 1st class, to rank as privates.
70 Orderlies of the 2d class, to rank as privates.

120 Total of each Company.

3484. *Chairman.*] I believe the orderlies do not include all the officers; you have cooks, laundrymen, and others in addition?—Yes.

3485. Sir *James Fergusson.*] Had the institution of the medical staff corps the approval of the medical authorities of the army?—Certainly; that is to say, of Dr. Andrew Smith.

3486. *Chairman.*] Can you put in a statement of the expense of those civil hospitals?—Yes; I think we could give you very nearly the total outlay on account of them. Annexed is the estimated annual cost of one of them, that at Renkioi.

ESTIMATED ANNUAL COST of the CIVIL STAFF at Renkioi.

	£.	s.	d.		£.	s.	d.
1 Superintendent	2,000	–	–	2 Assistant Bakers, at 30 *s.* a week	155	17	6
2 Physicians, at 2 *l.* 2 *s.* per day	1,533	–	–	1 Laundryman	127	15	–
2 Surgeons, at ditto	1,533	–	–	45 Orderlies, 1 *l.* 5 *s.* a week	2,933	–	6
23 Assistant Surgeons, 1 *l.* 5 *s.* ditto	10,493	15	–	1 Lady Superintendent	200	–	–
1 Apothecary, at 1 *l.* 5 *s.* ditto	456	5	–	1 Lady Sister	Nil.		
1 Chief Engineer, 2 *l.* 2 *s.* ditto	766	10	–	1 Sub-Matron	75	–	–
4 Dispensers, at 7 *s.* 6 *d.* ditto	547	10	–	1 Storekeeper	54	12	–
1 Clinical Assistant, at 10 *s.* ditto	182	10	–	1 Head Nurse, at 20 *s.* a week	52	–	–
1 Store Accountant	250	–	–	6 Upper Nurses, at 18 *s.*	281	11	6
1 Assistant ditto	150	–	–	17 Under Nurses, at 16 *s.*	709	2	6
1 Secretary to Superintendent, at 10 *s.*	182	10	–	1 Upper Laundress, at 20 *s.*	52	–	–
1 Steward	150	–	–	1 Under ditto, at 16 *s.*	41	14	–
1 Head Cook	120	–	–	1 Sempstress, at 16 *s.*	41	14	–
2 Assistants ditto, 30 *s.* week	155	17	6	1 Servant, at 16 *s.*	41	14	–
2 Assistants ditto, 25 *s.* a week	130	9	–	£.	23,537	17	6
1 Head Baker	120	–	–				

	£.	s.	d.
Estimated cost of Staff	23,537	17	6
Additional for messing of Officers and Ladies	1,700	–	–
Ditto for Nurses and Servants	1,000	–	–
Ditto for Contingencies	1,762	2	6
TOTAL £.	28,000	–	–

Sir *B. Hawes*, K. C. B.

13 June 1856.

3487. Sir *John Trollope.*] Are the accounts closed yet?—They are not closed yet, and I hope we shall rather diminish the outlay by disposing of some of our stores; but I think we shall be able very nearly to give you the amount.

3488. *Chairman.*] What contributions to medical science do you consider that the reports from the civil hospitals will afford. Are they ample and scientific in their details?—There is one report only which is printed, and which I suppose will be circulated amongst the military medical men. That is a very long and elaborate report entering into great detail, upon which Dr. Smith has expressed a very favourable opinion. That report is by Dr. Lyons, who was appointed pathologist to the army in the East.

3489. How were the patients sent to those civil hospitals, they being all further from the scene of war than the military ones?—They were sent under the direction of the head medical officers in the Crimea.

3490. Did the head medical officers in the Crimea select the patients for Renkioi, Scutari, and Smyrna?—It was for them to say where a patient should go to, and I believe they exercised that power.

3491. Was there any power of modifying that arrangement in the Bosphorus?—I think it was a very imperfect power; the numbers that have been sent are comparatively few, as you are aware. The largest number that has been in the Smyrna Hospital, I think, does not exceed 800 at any one time, and the largest number at any one time in Renkioi was 560 odd; I do not know what the gross number may have been at Renkioi.

3492. Then the selection of patients for the civil hospitals was entirely in the hands of the military medical men?—Certainly.

3493. If, therefore, there had been any ill-feeling towards the civilian practitioners, it might have been exhibited in the selection of those cargoes of sick, or in the withholding of them?—I am unwilling to assume that there was any ill-feeling; no doubt there was a sort of collision on account of the different rates of pay which produced a little ill-feeling, but I think the feeling was unfounded, and I think if the war had gone on, we should have found the civil hospitals working very successfully.

3494. Had the War Office occasion to desire that some patients should be sent to Renkioi?—Yes, I think, if I recollect right, there was some special direction given, but the altered state of things that ensued quite prevented that being acted upon, and the large extension of hospital accommodation in the Crimea has prevented so large a number being sent to either of the civil hospitals as was originally contemplated.

3495. Sir *James Fergusson.*] Dr. Andrew Smith stated to the Committee that he thought it desirable for the good of the service that about 5,000 *l.* a year should be put at his disposal, for the purpose of buying medical necessaries for hospitals, without being obliged first to make application to the authorities in the War Department, but of course he would always render an account afterwards of the money so expended; and, in support of that statement, he referred to some difficulty he had experienced in procuring filterers for hospital use, and he put in some correspondence which he had with you upon the subject; and I find a letter from you, dated the 19th of October, in which you say: "Sir,—In acknowledging the receipt of your letter of the 13th instant," (which letter is not in the correspondence,) "transmitting bills for filtering machines supplied to the camp hospitals at Shorncliffe and Aldershot, I am directed to request that you will inform me under what authority the articles in question were supplied." Have you any objection to give the Committee an explanation of why Dr. Smith was asked for an authority relative to those filterers; and will you also have the goodness to state whether you think it would be desirable that the uncontrolled expenditure of so large a sum as 5,000 *l.* a year should be entrusted to the medical gentleman who happens to fill the position of Dr. Andrew Smith?—With regard to the particular circumstances referred to, I do not at this moment recollect them; but I really can see no necessity for placing such a sum at the disposal of the head medical officer. I think the present system of the War Department will prevent delays; and I do not see why the Secretary of State, who is responsible for the expenditure, should not, through his proper officers, exercise vigilant control over every expenditure for army services.

3496. May I ask you to lay before the Committee Dr. Smith's letter of the 13th

13th of October 1855, which is not in the correspondence before the Committee?—I will hand it in.

Sir *B. Hawes*, K. C. B.

13 June 1856.

[*The same was delivered in, and read as follows:*]

Army and Ordnance Medical Department,
13th October 1855.

Sir,

Herewith I have the honour to enclose an abstract in duplicate, and bills for filtering machines, amounting to 23 *l.* 6 *s.*, supplied to the camp hospitals at Shorncliffe and Aldershot, and to request that I may be informed in what manner the same will be paid.

I have, &c.

The Deputy Secretary at War,
&c. &c. &c.

(signed) *A. Smith*,
Director-general.

3497. Have you the power to refuse, and if you have the power do you ever refuse, any recommendations made by Dr. Andrew Smith for supplies of any kind; or have you ever refused, at the application of Dr. Andrew Smith, to allow medical officers long leave in consequence of sickness or for other reasons; or have you ever refused to comply with the rate of retirement recommended by Dr. Andrew Smith for medical officers?—In the first place, with regard to supplies recommended by Dr. Smith, I do not recollect any instance in which they have been refused; they may have been a subject of discussion, upon which there may have been conflicting opinions, but I do not recollect an instance. With regard to retiring allowances, no case occurs to me at this moment; but at the same time we should exercise the same judgment upon that recommendation as we should do in every other case of an officer retiring from the army; we should see that the retiring allowance was in conformity with the regulations and with practice.

3498. Mr. *Peel.*] With regard to leave of absence, Dr. Smith would address an application upon that subject to the Horse Guards, not to you?—Certainly.

3499. Mr. *Bellew.*] Is it from your department that the warrants regulating the diplomas which men shall present when they desire to become army medical officers issue?—"Warrant" is a technical word. Dr. Smith, I imagine, recommends to the Commander-in-chief, and the Commander-in-chief approves of the appointment.

3500. After those warrants are issued defining the necessary qualifications that an officer should have to enter the service, do you know whether Dr. Smith has any power to change the regulations as detailed in those warrants?—Dr. Smith cannot alter those warrants.

3501. Mr. *Peel.*] But in practice you have occasionally anticipated the period when an officer should be promoted under emergent circumstances, giving him local rank till he had served the proper time to enable him to have full rank?—That has been done. There have been several instances in which officers have been advanced and the Secretary of State has sanctioned that course; but a departure from the warrant can only be sanctioned, if by anybody, by the Secretary of State.

3502. Colonel *North.*] With regard to the certificate that military surgeons are obliged to sign prior to an officer being allowed to sell his commission, it is worded as follows:—"We do hereby certify to have carefully examined ——— who states he is ——— years of age, and are of opinion that he does not labour under impaired constitution threatening earlier dissolution than a person of that age, in the common course of nature, may expect." Do you know anything about that certificate?—No, I do not: it relates to an officer who desires to sell.

3503. Looking at the wording of this certificate, is not it the fact that no officer having served in the Crimea, or in the West Indies, or India, and returning home, and with an impaired constitution, would be allowed to sell out under such a certificate as this?—The case would be considered by itself as a case upon its merits. We should require a certificate from the Army Medical department, and the Secretary of State would exercise his own discretion as to whether the officer should be allowed to sell.

3504. *Chairman.*] Have you any suggestions to make to the Committee upon the subject of their inquiry?—No, I have none of a general nature to make.

Mr. *John Agnis*, called in; and Examined.

Mr. *J. Agnis.*

13 June 1856.

3505. *Chairman.*] WILL you state your present official position?—Assistant Surgeon in the 3d Light Dragoons.

3506. How long have you been in the service?—Nearly two years.

3507. What determined you to enter the army medical department?—It was shortly after the declaration of war. I wished for an opportunity of perfecting myself in the knowledge of surgery.

3508. In the expectation that the war would continue longer?—In the expectation of seeing service while it did continue.

3509. Is it your intention to continue in the service?—I think not for a permanency.

3510. Why not?—I think that the inducements to remain in the army are not equal to those which other careers in civil life have to offer to medical men.

3511. Will you state the nature of those careers?—Not including private practice, there are many public appointments, some of which are of recent institution, and some of which have been considerably extended within the last few years, which are open to a young man. One is the recent appointments of sanitary officers of health under the new Act for regulating the sanitary condition of towns. There are about 40 of those appointments in London at the present time; the best of them is about 400 *l.* a year, with liberty to practise privately; and the smallest of them is 100 *l.*; they vary between the two amounts. Another class of appointments is that of resident medical officers to lunatic asylums, which have been considerably extended in the course of the last few years by a recent Act of Parliament. There are now as many as 50 resident medical officers at asylums of that description in the country; their salaries are, in many cases, as much as 200 *l.* a year, with board and lodging; some are much better than that; some are not so good.

3512. Are there any other classes of appointments to which you would refer?—Yes; another class of appointments is that of surgeon on board the large ocean steamers, such as the Peninsular and Oriental Company's steamships.

3513. Do you know the payment to the medical officers for those appointments?—The pay is 6 *l.* or 7 *l.* a month, with of course board and lodging; and the pecuniary advantages are often increased by fees from passengers. Another class of appointments is that of superintending surgeon on board the Government emigration ships. Those gentlemen are usually young men, of the same average standing as those who might enter the army as assistant-surgeons; they are paid at the rate of 10 *s.* per head for all the emigrants landed in Australia. They are of course provided with food on board. They have complete charge of the vessel, and of every one on board.

3514. Colonel *North.*] Do they find the medicines?—No, the Government find the medicines and everything.

3515. They are at no expense?—At no expense. The Government also gives them 60 *l.* towards their passage home from Australia. There are also other careers open to young men of the class that would be likely to enter as assistant-surgeons in the army; there are a large number of resident appointments at infirmaries, some in London, some in large towns, and some in the country. Those are filled by young men who have just completed their studies; the salaries are in some cases 100*l.*, in some 150*l.* a year, with board and lodging as a general rule. Some are less than that; a great number are small. Another instance is, that many young gentlemen in the last few years have gone to practise in Australia in consequence of the large amount of emigration to that country; I know an instance of an assistant-surgeon of the 40th Regiment who gave up his commission when quartered there, for the purpose of entering private practice in the colony; he was a fellow-student of my own. Then there is also another class of appointments, the appointments to the East India Company's service, which absorb a great many young men, and which I think it has been put in evidence before the Committee are better paid, and considered altogether more desirable than those in the Queen's service.

3516. *Chairman.*] Will you state the course of proceeding which you adopted when you determined to enter the medical department?—I obtained a letter of introduction from a professor at the medical school where I had studied, to

Dr.

Dr. Andrew Smith. I presented it to him, and was sent to Chatham on promotion.

3517. What was your medical education before that?—I had studied between five and six years in London; I had also studied in Paris for a short time.

3518. How long were you at Paris?—I was in Paris for two or three months.

3519. Do you consider that there are advantages in studying in Paris over those in England?—There was increased facility for dissection, and for practising the operations of surgery on the dead body. The advantage is very great indeed in that particular; it is very considerably cheaper, and the opportunities are much greater than those afforded in London.

3520. How much do you think your medical education cost you?—I cannot answer that question very accurately; I think it is fair to take the cost of medical education in London at about 200 *l.* a year, including fees for lectures; the payment for subjects for dissection and books, and fees to the examining bodies on taking one's diploma or degree, and including also board and lodging.

3521. Had you any competitive examination during your medical education?—Yes; the examination for the office of house surgeon, which I held at University College Hospital, is a competitive one, and partly a practical one.

3522. Will you state what length of time you remained at Chatham?—I was at Chatham only six weeks.

3523. What supervision was there at Chatham?—There was the supervision of the principal medical officer, who had charge of the whole of the arrangements of the hospital; the hospital was divided into a medical and a surgical division; each of those was in charge of a staff surgeon of the first class, assisted by a staff surgeon of the second class; then in charge of each assistant was a medical candidate of similar standing to myself, who prescribed for the patients, subject to the veto of the staff surgeon of the first class in charge; he applied the dressings and bandages, and did all small operations of that sort; the staff surgeon visited the wards every day, and approved of or corrected the treatment of the medical candidate, as he thought fit.

3524. What was your examination on entering the Army Medical Department?—A general one; rudimentary; similar to that to which I had previously been subjected at the College of Surgeons and at Apothecaries' Hall, in some particulars.

3525. In what particulars did it vary?—I was asked one or two questions concerning tropical diseases, such as tropical fever and dysentery.

3526. Was it entirely *vivâ voce*?—It was not *vivâ voce* at all; it was on paper.

3527. Had you any drugs shown to you for examination?—None.

3528. Had you any subject shown to you for dissection?—None whatever.

3529. What was the amount of your required attendance in the hospital at Chatham?—Every candidate had to attend the hospital at nine o'clock, and he must remain in his ward from nine till eleven; from eleven till one he must still remain within the hospital walls, but not necessarily in the ward under his care; he again visited the patients sometimes in the evening between seven and nine.

3530. Was that all?—That was all his professional duty.

3531. What supervision was there over you, except in hospital hours?—I am not aware of any.

3532. There was none?—A far as I know, none.

3533. Were you required to attend any lectures at Chatham?—None at all; there were no lectures to attend.

3534. Under what circumstances did you leave Chatham?—I was appointed to the office of assistant-surgeon in the regiment, which I now hold.

3535. Sir *Henry Davie.*] Were you appointed at once to the cavalry?—Yes.

3536. Colonel *North.*] Was any deduction made from your pay for your forage?—Yes, 1*s.* 5*d.* a day; at the rate of 8½*d.* per day for a horse.

3537. What pay do you receive?—Eight shillings and sixpence a day; 1*s.* more than that in the infantry.

3538. But with that deduction for forage it is only 7*s.*?—Yes.

3539. *Chairman.*] What other deductions are there?—There is mess fund, band fund, and income tax.

Mr. *J. Agnis.*

13 June 1856.

3540. Can you give the Committee a statement of the deductions, and of your professional income and expenditure?—Yes; the pay of an assistant surgeon in the cavalry amounts to 155 *l.* 2 *s.* per annum. The compulsory expenses are as follows: Mess fund, eight days' pay, 3 *l.* 8 *s.*; band fund, 12 days' pay, 5 *l.* 2 *s.*; forage for two horses, at 8½ *d.* per horse per day, 25 *l.* 10 *s.*; income tax, 9 *l.*; servant's wages, at 2 *s.* 6 *d.* a week, that is, a servant provided from the ranks, 6 *l.* 10 *s.*; washing at 1 *l.* 5 *s.* per month (that is a regulated charge), 15 *l.*

3541. Sir *Henry Davie.*] Have you included the outfit?—No, nor the purchase of horses; then I put the expense of living at the mess on the lowest possible estimate, at 114 *l.* per annum.

3542. Mr. *Peel.*] What is it daily?—I am taking the charges in my own regiment: dinner, 3 *s.* 6 *d.* a day; breakfast, 1 *s.* 6 *d.*; then taking the average of the wine account, which is divided amongst all the officers equally, about 1 *s.* 6 *d.*; then incidental expenses of other kinds, private dress, and so on, I have not put down.

3543. *Chairman.*] What do you make the whole of what you have put down amount to?—It is about 178 *l.*

3544. Your pay being how much?—£. 155.

3545. Sir *James Fergusson.*] So that you could not possibly live upon your pay in a cavalry regiment?—No.

3546. Your servant waits at mess occasionally?—Yes.

3547. And you have to clothe him?—Yes.

3548. Sir *John Trollope.*] You have made a deduction for two horses' forage; are you required as a cavalry assistant-surgeon to keep two horses?—You can be required to keep two; the regulation allows you forage for two; the colonel can compel you to keep two, or he may allow you to keep one only, as he pleases.

3549. Colonel *North.*] Is the same deduction made from your pay whether you keep one or two?—No; if you only keep one you are only charged for one.

3550. Is it generally the practice of assistant-surgeons to keep two horses?—I do not know.

3551. Is it your practice?—It is my practice.

3552. *Chairman.*] What are the duties of the assistant-surgeon?—The assistant-surgeon is generally with a detachment, and he generally has the entire medical and surgical charge of the detachment.

3553. How many detachments have you to look after?—Only one; only the detachment where I am stationed.

3554. Yours is at Hampton Court?—Yes; and the other at Kensington Gate; but the detachments may be 50 miles apart.

3555. Have you had any leave since you joined?—Only short leave from the colonel of a week or 10 days at a time.

3556. Sir *Henry Davie.*] Between returns?—Between returns.

3557. No general leave?—No general leave.

3558. Mr. *Bellew.*] Are you of opinion that if the inducements to assistant-surgeons in the army to remain in the service were increased, the pay and other inducements in the higher ranks of the service are sufficient to induce men of fair abilities to remain in the army?—I have not been long enough in the service, nor do I know enough of the pay of the higher ranks, to be able to give an opinion as to the higher ranks; but I am quite certain that the pay of an assistant-surgeon is not sufficient to induce men to remain.

3559. Sir *John Trollope.*] Have you considered the relative position of assistant-surgeons in the infantry as compared with those in the cavalry?—I have no experience in the infantry, and no knowledge of their position; I have done duty in an infantry regiment myself, for a month or five weeks, during the pressure when there was no assistant-surgeon; that is all I know about it.

3560. Are you aware whether there is any preference on the part of medical gentlemen to enter the infantry rather than the cavalry?—I am not aware of any advantages in the infantry over the cavalry. I think it is a matter of taste.

3561. Are the expenses less?—I presume they are less. It is a matter of common report that they are less.

3562. Are

3562. Are not the appointments in the cavalry with which you are required to furnish yourself much more costly than in the infantry?—The infantry is less expensive. Of course in the infantry there is no outlay for horses.

3563. Or for horse appointments?—Or for horse appointments.

3564. Sir *James Fergusson.*] To what leave are you entitled?—To no leave as a matter of right; you occasionally obtain short leave from the colonel or the commanding officer as a matter of courtesy or favour on his part.

3565. But it would be impossible for you to obtain leave when you are on detachment, as you are now?—No. It would be necessary to make arrangements with a civil practitioner to see any case of injury or sickness that might occur during my absence.

3566. Colonel *North.*] And you would pay him?—Yes.

3567. Do you find any difficulty in getting respectable men out of the ranks for hospital orderlies?—It has never fallen to my lot to have to select one; but I should say that, with regard to our own regimental hospital, it would be difficult to find better men than the hospital serjeant and his underlings for that duty.

3568. What number have you in proportion to the patients?—I have none at the present moment at Hampton Court. I am speaking of the hospital at head-quarters.

3569. If you have a sick man at Hampton Court do you send him to head-quarters?—If he is slightly ill, and able to do part of his duty, such as attending the stables, I keep him out there and I attend him and order him medicine; if he is seriously ill, I send him in to head-quarters, but my detachment is an exceptional case in consequence of its being so near to head-quarters. Most detachments are 30 or 40 miles away, and then the assistant-surgeon opens an hospital, and makes all his arrangements just as the surgeon does at head-quarters.

3570. Sir *Henry Davie.*] I understood you to say, that if it had not been for the prospect of war you think you would not have entered the military service at all?—I should not have had an opportunity; I should have had no means of communicating with the Director-general.

3571. But in the early part of your evidence you stated, that in consequence of the war you were induced to enter the service?—I can hardly tell what I might have done, had it not been for those circumstances. I entered the army immediately upon the completion of my professional studies; in fact, I gave up an appointment which I was then holding in a London hospital in order to enter it, and therefore I had hardly had time to think of what I should do.

3572. With respect to the East India Company's service, to which you referred, are you aware that the examination for entering the East India Company's service is now purely competitive?—Yes, I am aware of it.

3573. Do you consider that that is likely to command a higher class of men for that service than for our service?—Certainly; I think the higher the standard of examination, the better informed the class of men is likely to be.

3574. Do you consider that the standard for the Queen's service is sufficiently high?—I scarcely feel competent to give an opinion upon that; I may mention one circumstance in connexion with the question put to me about the East India Company's service. On examining the list of Fellows of the College of Surgeons, I find that there are eight in the East India Company's service to three in our own, that being the highest surgical diploma that the College can give.

John Wallen Halahan, Esq., M. D., called in; and Examined.

3575. *Chairman.*] YOU belong to the Medical Department of the Ordnance?—I do; I am Deputy Inspector.

3576. Is the Ordnance medical department now under Dr. Andrew Smith?—It is.

3577. How long has it been so?—Nearly two years.

3578. Will you state the differences in the arrangements now?—I do not know them exactly, for I do not think that Dr. Smith has ultimately settled them. It was originally intended, as I understood from Dr. Smith, to do away with the rank of senior surgeon entirely.

J. W. Halahan, Esq., M. D.

13 June 1856.

3579. Will you state what the arrangements were previously to your being joined to Dr. Andrew Smith's department?—Then we were under an inspector-general of our own, who had the whole control.

3580. By whom was he appointed?—By the Board of Ordnance.

3581. What was your system of service at foreign and colonial stations?—We reported always to the head of our own department.

3582. Had you a particular period of service on foreign and colonial stations?—Three years.

3583. And then you were removed?—Yes.

3584. Where were you removed to?—Always home.

3585. You never remained away more than three years and the time occupied in the passage?—I was longer than three years; but that was the general term.

3586. Was it dependent upon the discretion of the Director-general?—It would depend upon circumstances. Sometimes they had not any one to send, and then we would be kept a few months longer.

3587. Was the term ever shortened?—No; it was understood to be three years.

3588. Was there a rotation of stations after home?—No; a medical officer when he came home was put at the bottom of the roster, and when a station became vacant, whoever was at the top of the roster, sent there.

3589. Was that the invariable practice?—Invariable; a very fair roster was always kept.

3590. Had you a system of confidential reports to your head medical officer?—No, we had none; for, generally speaking, we had only one medical officer of ours at a station; and consequently, except we reported on ourselves we had no one to report on.

3591. The system of confidential reports did not exist in the Ordnance medical department?—No.

3592. How were you supplied with drugs?—From Apothecaries' Hall, in London.

3593. Did that arrangement pass through Dr. Smith's hands, or was it immediately between the Inspector-general of the Ordnance medical department and Apothecaries' Hall?—Prior to Dr. Smith becoming the head of both departments they were supplied by an order from our own inspector.

3594. Totally distinct from Dr. Smith?—Yes; now the Director-general controls it all.

3595. What was the examination for candidates entering?—He must be a member of the College of Surgeons of either London, Edinburgh, or Dublin; then he passed an examination at our Board of our own medical officers, consisting of the Inspector-general, the Deputy Inspector-general, and the surgeons of the divisions.

3596. Sir *Henry Davie*.] Was the promotion entirely by seniority?—Entirely.

3597. Mr. *Bellew*.] He must have a diploma from either London, Edinburgh, or Dublin?—That was the regulation; he must be a member of either of the three universities.

3598. Sir *Henry Davie*.] You stated that promotion was entirely by seniority; was merit recognised in no way?—It could not be.

3599. Was the going to particular stations purely a matter of rotation, so that it never could be held out as a reward to any medical officer to go to a better rather than to an inferior medical station?—No; I never knew that done; as we came to the top of the list we got our order to the first vacant station.

3600. So that whether an officer was a particularly efficient one or the contrary, the one got on just as well as the other?—Yes.

3601. Colonel *North*.] Could there be exchanges?—We could exchange; but Sir John Webb would never allow us to make a second exchange to the same place.

3602. *Chairman*.] There are now four or five senior surgeons in the ordnance corps; have they been amalgamated with the army surgeons?—I understood that they were to be amalgamated with the staff surgeons of the first class.

3603. Do you know why they have not been?—No.

3604. What

3604. What duty do they do in your department?—There is only one at Woolwich; the others are abroad. There is one at Bermuda; he does the duty of a regimental surgeon. There is one at Dover, and there is one at Gibraltar.

3605. Is it viewed as a hardship by the medical officers of the Ordnance corps that they have been so long in getting promotion?—We have always felt it a hardship that we do not get our promotion in the same ratio as in the line.

3606. Colonel *Kingscote.*] What ranks have you; have you inspectors, and surgeons, and assistant-surgeons?—We have only one director, one deputy inspector, six senior surgeons, and a surgeon and two assistant-surgeons to each battalion.

3607. Mr. *Bellew.*] Are you aware whether for candidates for the army medical department certificates coming from the Faculty of Physicians and Surgeons at Glasgow, or from other corporate bodies legally entitled to grant a diploma in surgery, not coming from either London, Dublin, or Edinburgh, were held to be sufficient?—In former days those were sufficient.

3608. Are you aware whether such certificates are allowed now?—I am not.

3609. *Chairman.*] What length of time was there between your grades of promotion?—I was 18½ years assistant-surgeon; I was upwards of 16 years a surgeon, and 11 years a senior surgeon. Now I have been upwards of two years deputy-inspector.

3610. Was it necessary that there should have been so long an interval?—Yes. I got my promotion fairly all but one step.

3611. Colonel *North.*] How did you go as compared with the line?—I am senior by years to all of them; I am senior to Dr. Smith.

3612. Then the amalgamation of the two departments is an advantageous plan for your department?—I should say it is an advantage to our department.

3613. *Chairman.*] Have you anything to state with respect to the difference which exists between the Ordnance Department under its own head, and under Dr. Andrew Smith?—I could not make any statement as to that just now, because we have not got into fair working of the rule yet; although we are nominally so, we are not in reality so, because the regulations are only coming out now, and the alterations in our forms are only going on now.

3614. Then have you been living under the old forms for the last two years with a new head?—Yes; the new system could not be carried into effect at once.

3615. Has your system of roster been going on according to the old plan the last two years?—No; now anyone can be promoted from the artillery into the line, and from the line into the artillery.

3616. Colonel *North.*] Are you on full pay or half pay?—Full pay.

3617. Do you look after soldiers of the line at the present moment?—If there be no surgeons of the line at Woolwich, where I am stationed, I have the professional charge of the whole.

3618. Which you would not have had before?—No, I would not; they would have had a line surgeon.

3619. Sir *Henry Davie.*] Was the pay of the assistant-surgeons and surgeons of the artillery exactly the same as that of the line?—Yes.

3620. *Chairman.*] You have always had female nurses in your hospitals?—Always.

3621. How do you find that plan work?—Very well.

3622. What proportion have you to the patients?—One to 15.

3623. Have you any male orderlies?—We have men employed under the steward; but when we want, in particular cases, any one to attend on a man very ill, we always get one on application at the barracks, from the battalion to which the sick man belongs.

3624. What is the pay of your nurses?—One shilling a day, with an allowance of coals and candles; that is the female nurses.

3625. And lodging?—Sometimes they get a room in the hospital; but we have no families admitted.

3626. Have they any rations?—No rations.

3627. Have you to change those nurses often?—Very seldom.

3628. Colonel *North.*] Are they generally soldiers' wives?—Widows, generally speaking; I always appointed a soldier's widow if she was equally good with another woman. I give the preference to the widow of a soldier.

J. W. Halahan, Esq., M. D.

13 June 1856.

3629. You say that lodging is only occasionally given?—If they are single they get part of a room: two women in a room. In the case of some of the small rooms, at the back of the hospital, one woman gets it to herself.

3630. Do not they get any rations?—No; it was proposed some time ago to hire nurses, the same as you would servants, and to have a table for them, and dormitories, the same as in the civil hospitals.

3631. Have you regular cooks in the hospital?—We have three men employed as cooks always; the hospital at Woolwich is a very large establishment, with generally from 400 to 500 sick in it.

3632. *Chairman.*] Who dispenses the medicines in your hospital?—We have four dispensers under the assistant apothecary; and then we have the apothecary over all. The dispenser is generally a professional man that enlisted; for instance, I have three such men now.

3633. Upon foreign colonial stations do your serjeants ever dispense medicines?—No, it is not the duty of the hospital serjeant; we have always a surgeon.

3634. Who is supposed to dispense himself?—Yes.

3635. Colonel *Kingscote.*] I understand you to say that those dispensers at Woolwich enlisted in the artillery had been professional men before?—They were educated for the profession.

3636. Did you enlist them on purpose for it?—No, we found them in the regiment.

3637. Colonel *North.*] How do they rank?—As gunners.

3638. Sir *James Fergusson.*] What pay do you give them?—They have 1 *s.* a day besides their regimental pay, and a room, and coals and candles.

3639. Have you any difficulty in finding men in the ranks whom you are able to employ in that way after a little instruction?—No, none at all.

Lunæ, 16° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Mr. Noel.
Sir James Fergusson.	Colonel North.
Mr. Percy.	Sir John Trollope.
Mr. Bellew.	Sir Henry Davie.
Colonel Kingscote.	

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

His Royal Highness the *Duke of Cambridge*, K. G.; Examined.

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

3640. *Chairman.*] HAS your Royal Highness had an opportunity of looking over the evidence which you gave before the Sebastopol Committee, with reference to the Medical Department of the Army?—I have.

3641. Is there anything stated in that evidence which you wish at all to modify?—No, nothing.

3642. Your Royal Highness there bore very high testimony to the good conduct of the men when in hospital?—Certainly, nothing could be better than their conduct was.

3643. You referred to the absence of complaints on their part, and to their great endurance and patience under suffering?—Yes; too much could not be said in their praise.

3644. Your Royal Highness also bore testimony to the great exertions and philanthropy of the medical officers generally?—Yes; I had every reason to be well satisfied with the great exertions of the medical officers.

3645. Has your Royal Highness any reason to believe that the mortality which occurred among the troops was in any degree to be attributed to neglect on the part of the medical officers?—Certainly not.

3646. You

H. R. H. *Duke of Cambridge*, K.G.

16 June 1856.

3646. You think that it originated in causes over which they had no control?—Quite so.

3647. Your Royal Highness's attention was probably called to the relative positions of the medical and executive officers?—Yes, but not more so in the Crimea than at any other time; I have been often in command, and have seen the working of the system. Probably I saw more of it during peace than in war. In war everybody is so occupied that those relative positions are not so observable as they are in a time of peace.

3648. From the opportunities of observation which your Royal Highness has had, both in times of war and peace, are there any suggestions which you would desire to make to the Committee with regard to any changes that you think might with advantage be made in those departments?—The only change I would suggest would be, that after a certain length of service the surgeon of a regiment should have the rank of major, instead of that of captain. At present they take the rank of captain, and I think that after a certain length of service, perhaps six or eight years, the surgeon of a regiment might take the rank of major with advantage.

3649. Is your Royal Highness of opinion that the Medical Department of the Army should be made more a military body than it is at present?—No, certainly not.

3650. Suggestions have been made to the Committee that it would be desirable to make it more of a military and less of a civil body; I understand your Royal Highness to say, that such a suggestion would not meet your approval?—I should say certainly not; but I should like to know in what respect it is proposed that they should be made more a military than a civil body.

3651. Colonel *North*.] What is the opinion of your Royal Highness as to the propriety of their sitting as members of courts of inquiry, or do you think they should be considered more as witnesses?—I think it is far better that they should be considered as witnesses. I think that the rule of the service which prevails now, that they never should sit as presidents of boards, is a good rule.

3652. *Chairman*.] It has been stated before this Committee that it is the intention of the War Office, or that there is some idea entertained of introducing civilian dispensers into hospitals; is your Royal Highness aware of the arrangements at present existing in the hospitals of the Household troops?—We have nothing of that sort in hospitals of the Household troops. The medicines are, I believe, dispensed by the hospital serjeants, under the superintendence of the surgeon of the regiment.

3653. Does your Royal Highness see anything to object to in that arrangement?—No; on the contrary, I think it is a very good system.

3654. Does your Royal Highness consider that the introduction of civilian dispensers would be satisfactory?—No; I think it would be a very unfortunate system to introduce.

3655. Colonel *North*.] More especially if those dispensers are to have rank as officers?—Although I cannot speak from experience, because it never was the case when I was in command, I confess it appears to me that nothing could be more objectionable than such an arrangement.

3656. Mr. *Bellew*.] Is your Royal Highness of opinion that there are always to be found in the ranks men who might be promoted to be hospital serjeants, and who would make good dispensers?—Yes; but I think that if any man showed a capacity for it, or a desire to enter into that portion of the profession, there might be great facilities afforded for giving him such instruction as would make him invaluable. I will explain what I mean. There is a system now adopted with reference to schoolmaster serjeants; that system is this, as I understand it, that if any young man in the ranks wishes to become a schoolmaster, he volunteers for that special service; he is then sent to Chelsea, which, I believe, is considered the principal training school; he there goes through a course of training, and is then sent back as an efficient schoolmaster for a regiment. I believe it has been usual to change the regiments, and that if a man has come from one regiment he has been sent to another. I do not see, however, why that should be necessary, or why he should not be sent back to the regiment in which he originally enlisted. I think that the same system might be pursued with reference to hospital serjeants; if a man wished to qualify himself to perform the duties of a hospital serjeant, he might be sent to

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

a central training school, where he might be retained for three or six months, or for such a period as would be necessary to give him a thorough knowledge of all that is necessary to enable him properly to dispense medicines, and then he might return either to his own regiment or to any other in the service.

3657. Colonel *North.*] Your Royal Highness is aware probably that surgeons very naturally find fault with the certificate which they are obliged to sign, that they have individually mixed all the medicines which they have prescribed, their doing which is a physical impossibility?—Yes, I am sure it is so; and I think it is exceedingly objectionable to call upon a man to sign a certificate that he has done that which it is impossible for him to do.

3658. Mr. *Bellew.*] If these men were attached in the mode which has been proposed to the regiments, is not your Royal Highness of opinion that expense would be entailed upon the country unnecessarily, and that it would also be prejudicial to the discipline of the regiment if there were no power to send them back to the ranks in case of misconduct?—I would extend to dispensers what I said just now as to schoolmasters. I would consider it as a civil branch to some extent. My opinion is, that if you were to select men in the mode I suggest, and make some of them hospital serjeants, and some orderlies, you might get up a very efficient medical staff corps. I do not think that if that system were pursued, it would entail more expense upon the country, and it would be attended with this advantage, that you would not have so many men out of the ranks. I am sure it is very desirable to keep the regiments as full as possible; at present, we may on paper appear to have more men in the ranks than we really have.

3659. Is not your Royal Highness of opinion that the better plan is to select the men from the regiments, filling up their places when they are withdrawn, so that the orderlies would have all the habits of disciplined soldiers?—I think so, decidedly.

3660. So that, in case of misconduct, a man might be sent back to the ranks again?—Yes.

3661. *Chairman.*] Has your Royal Highness had any practical experience with reference to the present hospital staff corps and its organisation?—No; but from what I have heard and read about it, I confess that I do not think that it can work well.

3662. When your Royal Highness was in Corfu, did many medical reports pass through your hands?—Merely the ordinary reports which every general officer makes when he makes his half-yearly inspection of a regiment.

3663. Does your Royal Highness remember the number of staff-surgeons that there were there?—No, but we always had a considerable number. There were several islands, and several detachments, and we could not furnish them all with surgeons from the regiment, and therefore we were obliged to have assistant-surgeons from the staff to do the duty.

3664. Was there any direct communication between your Royal Highness and the Director-general at home?—No.

3665. With whom did your Royal Highness communicate?—Through the principal medical officer; I must observe, that I was only Colonel on the staff at Corfu; Lord Seaton was in command there; if there was any direct communication, it would be from the General commanding in Chief; I do not know whether there was any communication between the General commanding in Chief in the Ionian Islands, and the Director-general.

3666. Was there a sufficiency of medical officers there?—Yes.

3667. But you would not give the same answer with reference to the Crimea?—If you mean to ask me whether each regiment had a sufficient number, I should say certainly not. I think that every regiment ought to have one surgeon and two assistant-surgeons in time of peace, and one surgeon and three assistant-surgeons in time of war, if in the field.

3668. As far as the experience of your Royal Highness goes, do you think that the medical officers of the army have sufficient facilities afforded them for obtaining leave of absence?—Certainly not.

3669. Does your Royal Highness think it desirable that they should have leave of absence, as well for private affairs, and on account of the state of their health, as for the purpose of pursuing scientific studies?—Most decidedly.

3670. Sir *Henry Davie.*] Do you think that a cavalry regiment requires as many medical officers as a regiment of infantry?—No; I think that one surgeon,

geon, and one assistant-surgeon, would be sufficient for the strength of an ordinary cavalry regiment in time of peace.

3671. Mr. *Bellew.*] Does your Royal Highness think that communications with regard, for instance, to proposed alterations in hospitals, or any other proposed alterations, should be made through the local military authority, or directly to the Director-general, without consulting the local military authority? —I think it would be very objectionable if communications with regard to any alterations that were proposed did not go through the local military authority on the spot.

3672. *Chairman.*] Do you think that in the Crimea the relative positions of the purveyor and medical officers was satisfactory?—I always understood that it was so undefined that great inconvenience resulted from it, the purveyor being more or less under the War Office, and the Medical Department being entirely under the Director-general.

3673. The experience which your Royal Highness had in the late war would incline you to think, would it not, that there should be a more clearly-defined division between their relative positions?—Decidedly. I think that a great many of the delays and inconveniences which occurred in the Crimea arose from the fact of the purveyor and the medical officers clashing, in consequence of each of them having a different head to look to.

3674. Have you turned your attention at all to the present organisation of the department of the Director-general of the Army Medical Department?— I understand that there is a Director-general who is supreme, and a certain number of staff-surgeons and deputy inspectors attached to his office to work out the details. There are also certain Boards formed of these medical officers, who send in their reports to the Director-general, and his decision upon them is final.

3675. Do you think that a return to the former system of a Board would be an improvement upon that?—No; I object to all Boards; I think that where there is one authority, and one responsible head, the duty is always better performed.

3676. Your Royal Highness probably is aware that the question of promotion, except with regard to regimental surgeons, rests entirely with the Director-general?—Under the authority of the Commander-in-chief.

3677. But the evidence which has been given before this Committee has shown that the exercise of that authority is merely nominal?—I think it ought to be more than nominal; I think that if that is so, it would be well that the Commander-in-chief's authority should be more shown than it is at this moment. As I understand the question, it is this: that, supposing a medical officer to be promoted out of his turn, it might appear to be an act of favouritism on the part of the chief authority of the Medical Department. I think that that would be obviated if, in cases of that sort, the Director-general were to explain to the Commander-in-chief most fully why he had promoted one man over the heads of others, and that the final decision should rest with the Commander-in-chief.

3678. In Question No. 357, Dr. Andrew Smith is asked this question: "Therefore there may be charges brought against medical officers who are perfectly guiltless, but which may stand as bars to their promotion, and which charges they may never hear of?" and he answers, "There might be such, but I do not think there are such." Does your Royal Highness consider that it would be an improvement if confidential reports with regard to medical men were placed on the same footing as confidential reports with regard to military officers?—Most decidedly; I think that if a man is reported against for such neglect of duty as would bar his promotion, he ought to be informed of it; I think that no man ought to be put in that position without being informed of it.

3679. Sir *James Fergusson.*] Does your Royal Highness think that seniority should be the principle of promotion in the Medical Department of the army? —I think it would be well that that should be the rule, but at the same time I should be very sorry if exceptions to that rule were not sometimes made, though I think that wherever an exception is made, a strong case ought to be made out to justify it; and if the Commander-in-chief approves of it, I think it ought to be, and that it would be, in fact, satisfactory to the medical officers of the army.

H. R. H. *Duke of Cambridge*, K.G.

16 June 1856.

3680. You think that in no case promotion should be made without the sanction of the Commander-in-chief?—I think it is undesirable. I should be very anxious not to do away with the power of giving promotion where a strong case is made out, though I think that that power ought only to be made use of under very special circumstances.

3681. Sir *John Trollope*.] Can your Royal Highness suggest any mode by which particular merit could be rewarded if the principle of promotion by seniority were strictly adhered to?—I think that where any medical officer has shown a great amount of capacity, both medically and in organising his department, he should be, if possible, promoted, even if out of his turn; I think that that in itself would be a very good reward.

3682. Do you think that selecting him for a better station, instead of an inferior one, would be considered a sufficient recompense for any distinguished service he might have performed?—No doubt; but at the same time I would prefer that the question of good or bad stations should not be considered; the service is the service, and a man must go where he is ordered to go. I think it would be a bad principle to act on to send a man to a bad station because he is less efficient than another; I do not think it would answer.

3683. Your Royal Highness has heard, no doubt, that there has been a proposition to place the Army Medical Board under fresh regulations by introducing civilians?—Yes, I have heard so.

3684. Do you approve of that?—I disapprove of it highly.

3685. Would not the medical officers of the army be competent themselves to form such a Board?—Yes; and I should think that the medical officers of the army would consider it a sort of insult to them if it were to be supposed that a sufficient number of them could not be found competent to form such a Board as that which has been proposed without the introduction of civilians.

3686. *Chairman*.] Did your Royal Highness find that the medical officers abroad knew anything of the nature of the climate or the country?—A certain number of staff-surgeons and deputy-inspectors were sent out before the army went to the East.

3687. And had the officers of the brigade the advantage of their reports?—The officer in charge of my division was one of the officers who had been sent out, Dr. Linton.

3688. Did you ever see their reports?—No.

3689. Mr. *Bellew*.] It has been stated in evidence that when a regiment of cavalry is detached a great deal of work is thrown on the surgeon; does your Royal Highness think that the assistant-surgeon ought always to be at head-quarters?—Yes; and I think it is a great mistake detaching assistant-surgeons so often as they are with very small detachments. I think that the duties might easily be performed by civilian practitioners on the spot; those duties are very light; you never send any but efficient men with detachments, and, except in the case of an epidemic, there are seldom more than one or two sick; and, therefore, in that case I think the services of the surgeons are thrown away; I think they are much better at head-quarters.

3690. *Chairman*.] Is your Royal Highness aware that at Scutari, and at Chichester also, everything is found for soldiers in hospital?—I understand so.

3691. Do you think that that system would be well adapted for regimental hospitals?—Not when the men are on service, certainly; for the amount of stores that would have to be carried would be so great, that no army could carry them.

3692. Would you approve of that system in general hospitals?—Certainly; but I should object to it in the Crimea, if the army is to move.

3693. Would you object to it in regimental hospitals in a time of peace?—Not for the same reason, certainly; but I always think it is objectionable to do that in a time of peace which you would not do in a time of war. I think that in all general hospitals that system ought to be adopted.

3694. So as to put soldiers on the same footing as sailors?—Decidedly.

3695. Has your Royal Highness formed any opinion on the subject of the earlier retirement of medical officers, the propriety of which has been pressed upon this Committee?—I think they might be allowed to retire earlier than they do; at present they may retire after 25 years' service; I do not see why they should not be allowed to retire after they have served 20 years.

3696. Do you think that service in hospitals abroad should be counted longer than

than service at home?—I think that if that could be arranged without any great inconvenience, it would be an advantage. There is one thing which I would suggest with reference to medical officers, which I think operates very hardly upon them: I was asked just now whether I thought they had sufficient leave of absence; my answer was no; but connected with that subject, I should say there is another hardship that they are subjected to; if they are on a detachment, and they take leave of absence for private affairs, they are obliged themselves to make arrangements to find a civil practitioner to replace them, which I consider to be a very great hardship upon the medical officers of the army. I think that they ought to have their fair share of leave without being obliged to find or pay for a civil practitioner to replace them.

3697. Mr. *Noel.*] In point of fact, if in a cavalry regiment you only have one assistant-surgeon, it is hardly possible for the surgeon to obtain leave of absence at all?—No; as I said before, I never would detach the assistant-surgeon; I would always keep the surgeon and assistant-surgeon at head-quarters, and let a civil practitioner, to be paid by the country, perform the duties required for the detachments; there is no reason why, every three or six months, either the surgeon or the assistant-surgeon of the regiment should not be sent to inspect the detachments, and to see whether everything is going on satisfactorily or not.

3698. Sir *John Trollope.*] You would never have head-quarters left without the surgeon and an assistant-surgeon?—Certainly not.

3699. Do you consider the present pay of the Army Medical Department is, upon the whole, sufficient?—I think that the assistant-surgeons are not sufficiently paid.

3700. An earlier retirement, your Royal Highness is aware, would involve an increased pay?—Yes; of the two, I should think that a higher rate of pay would be better than an earlier retirement. If it were a matter of choice between the two, I would rather they had a higher rate of pay than an earlier retirement; that is, if you cannot combine the two things.

3701. Your Royal Highness, from your experience, is prepared to say that, in your opinion, such an increase of expenditure as would be necessary to carry out the views you have suggested would not be thrown away?—Certainly not; my impression is, that if every regiment in the army had had two assistant-surgeons during the time of peace, there would have been, when the war broke out, and when the additional assistant-surgeon was given, an abundance of medical officers when we first went out to the East, and the want of them arose from there being only one assistant-surgeon to every regiment not on foreign service at the time.

3702. Had your Royal Highness occasion, during the period of your service in the East, to report favourably of the conduct of any of the medical officers?—There was an assistant-surgeon attached to the staff who behaved very well at the battle of Inkermann, and I reported it to Lord Raglan; they all behaved very well, but the conduct of this one assistant-surgeon happened to be brought under my notice on that one occasion.

3703. Did it come subsequently to the knowledge of your Royal Highness that surgeons or assistant-surgeons so favourably mentioned by you were not reported home in the general despatches?—He was reported home in that case; but there certainly were occasions when they were not so reported, when I think they ought to have been.

3704. Would not that be the subject of great dissatisfaction?—I know that it was so.

3705. Mr. *Bellew.*] Do you think that soldiers can be treated as well in civil as in military hospitals?—Certainly not, because a soldier, whether in hospital or elsewhere, must be kept under discipline, and in a civil hospital there is no discipline, at least not such discipline as is necessary in the profession to which a soldier belongs.

3706. Unless a man is accustomed to the habits of soldiers, he cannot easily detect malingering and imposition?—Certainly not.

3707. *Chairman.*] Does your Royal Highness think that the appointment of civilians to the heads of civil hospitals was a hardship upon the army medical officers?—I always thought that it was a hardship upon them, because I think that there were many medical officers in the army who were perfectly well qualified to take charge of those hospitals as civilian surgeons. I have reason

H. R. H. *Duke of Cambridge*, K.G.

16 June 1856.

to believe that the civilian surgeons performed their duties most admirably, but at the same time I must observe that there was immense pressure at that moment, and it is quite possible that it would have been very difficult to have organised a hospital with a sufficient number of medical officers of the army.

3708. Colonel *North.*] It has been stated in the course of the evidence given before this Committee that we have no lunatic asylum for soldiers, but that lunatic soldiers are sent to different county asylums, and so on; is your Royal Highness of opinion that it would be advantageous if there were some general establishment or asylum to which insane soldiers might be sent?—I should say so, decidedly.

3709. You are aware that there have been two alterations made in the service, and that two new classes of men have been introduced, namely, the hospital staff corps and dispensers, the latter class having recently been introduced into one or two regiments; it is with reference to that latter class that I wish to ask whether, in the opinion of your Royal Highness, there would be any difficulty in training serjeants and orderlies to dispense medicines, so as to extend the system at present adopted among the Household troops throughout the rest of the army?—I see no difficulty whatever in it, if that is done which I suggested before, and which I should be glad to repeat. I would have no civil dispensers at all, and I would have a medical staff corps not composed as it is at present, but drawn from the various regiments of the army, who should be instructed for the special duties of a hospital at some central station, such as Chatham, or the new hospital, when formed, at Southampton or elsewhere. After a certain amount of training there, I would have them sent back to the army, some as serjeants and others as privates, and I would have the whole dispensing of medicines in the army done, under the supervision, of course, of the surgeons or assistant-surgeons, by the hospital serjeant of the regiment, so educated.

3710. Instead of spending the money among civilian dispensers, you think it might be better spent in the shape of increased pay to men entrusted with such an important duty?—Certainly.

3711. Probably your Royal Highness is of opinion, that in a country like this, where enlistment is voluntary, any boon of that kind is valuable?—Most valuable.

3712. Mr. *Bellew.*] Does not your Royal Highness think that the pay of an hospital serjeant would be too large if he got more than the colour-serjeant of a company of infantry, or a troop serjeant-major in the cavalry?—No; I would give him the pay of a quartermaster-serjeant, for this reason: if you establish a system such as that which I have explained, a man has only to look to that special portion of the service; he will not be promoted further, and therefore you must give him a very liberal allowance to induce him to turn his attention to that special subject; an hospital serjeant now finds other serjeants put over his head, and then he gets dissatisfied, and asks to be relieved from his duty because he wants to be promoted. If he returned to the ranks he might be an officer, but an hospital serjeant, such as I allude to, would have nothing of that sort to look forward to, and therefore I think you ought to give him additional pay in order to make up for the loss which would otherwise result from his occupying such a position.

3713. Is your Royal Highness aware that there is now established in the army a class of dispensers of medicines holding the rank and pay of officers?—Yes; I think that a person placed in that position would not know to whom he belonged, or with whom he had to associate; there are some regiments which might take him up; he might be a young man with superior capabilities, and such a person might get on very well; but he might be a disagreeable person, whose habits did not suit the officers, and the result would be that he would be left to his own resources, and would not know with whom to associate. I think that putting a man in a position in which he would not know whether he were an officer or not, is very objectionable.

3714. Your Royal Highness is no doubt aware that many of these gentlemen were selected from chemists' and druggists' shops, and elsewhere, in this town?—Yes; I should think that some of them would find themselves in very different circumstances from those in which they expected to be when they commenced their career.

3715. *Chairman.*] One witness has stated that the introduction of this civilian

civilian element into military hospitals would increase the difficulty of preserving discipline; what is your Royal Highness's opinion upon that subject?—I should presume that dispensers would have nothing to do with discipline.

3716. The position of those men has not been very distinctly defined before the Committee, but my wish is to ascertain from your Royal Highness whether, in your opinion, the duties performed by them might not be advantageously discharged by an increased pay being given to members of the military profession?—I have no hesitation in saying that, in my opinion, the appointment of those dispensers, to whom your question refers, as it has been explained to me, though I have never seen the working of the system, is very objectionable. I object to them *in toto*, and can see no reason why, if proper arrangements are made, and if due instruction is given to them, the hospital serjeants of regiments should not dispense the medicines quite as well as any dispenser you might appoint taken out of chemists' shops; that is my decided opinion.

3717. Colonel *North.*] And, in point of fact, that is practically done?—Yes, it is practically done; it is admitted in the hospital of the Guards, though not in the hospitals of the Line; but I have every reason to believe that in almost every regiment of the service it is done; and what is more, I do not believe that the surgeons and assistant-surgeons could perform the duty themselves when there is any pressure upon them; and the consequence is that you oblige a man to sign a statement which is not consistent with the fact, that he has dispensed all the medicines himself. I object to a man being called on to sign any document which is not consistent with facts.

3718. *Chairman.*] One witness has suggested the appointment of a military secretary; does your Royal Highness think that that would be efficacious?—Before giving an opinion upon that point, I should wish to know what his duties are to be.

3719. Lord De Ros is asked, in Question No. 2625, "Is it your Lordship's opinion that the present system is the best that could be adopted?" "I think, as an abstract question, that the least unwieldy Board, and the one that would work best, would be a chief with two assistants; very much the same thing as was described just now with respect to the medical naval officers. I think there should be always a military person attached to it; it appears to me that a field officer of experience would be of great value to a directing Board, on account of his knowledge of the discipline and habits of soldiers."—"Would you have the two assistants civilians, or army medical men?" "I think they should be next in rank to the principal officer."—"Do you think they should be appointed by the Director-general?" "I think that the Commander-in-chief ought to have a voice in their appointment to make it a satisfactory Board."—"And should he have a voice also in their removal?" "I think so."—"You would not give the Director-general the power which he at present has of appointing and displacing them?" "No, I do not think that that would be a very advisable constitution for a Board."?—I differ entirely from that evidence, because I object *in toto* to the Board.

3720. Colonel *North.*] Lord De Ros mentioned it also in his answer to Question No. 2637; I asked him whether he thought they should have a vote, so as to be able to out-vote the Director-general or head of the Board, and he said No, they were to be there more as his advisers?—Then I again state, what I said originally, that if the Medical Director-general is well supported with staff-surgeons under him, who can form small Boards on various subjects, such as is the case now, I think it would be much better that there should be a Director-general with such Boards, looking to him as their head, than having a regular Board to settle promotion, and so on.

3721. *Chairman.*] What opinion did your Royal Highness form with reference to the Ambulance Corps in the East?—My opinion of the original one was, that it was a most complete failure.

3722. For what reason?—Because they sent out nothing but old broken-down and drunken men, who the moment they arrived were found drunk all about the streets of Varna. I do not believe that any work was done by them at all; most of them died from drink, and the few that were left performed their duties in the most unsatisfactory manner possible.

3723. Does your Royal Highness think that the French army was better supplied with means of conveyance for the sick than our army?—Yes; we had no means of conveyance at all; whereas the French were quite prepared.

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

3724. Sir *James Fergusson.*] Does your Royal Highness approve of the divisional system of French hospitals, or do you think that our own system of regimental hospitals is superior?—I think that the system of our regimental hospitals is very good, but I think that a small divisional staff ought always to be kept up, and I think that it ought to be part of the organisation of every army. I think it is right to have a divisional arrangement, because you can expand it in time of war. I think that one of the great evils when we went out first was, that we had nothing but regimental arrangements, which were all very good in their way, but no divisional arrangements; and when we attempted to have divisional arrangements, it was a long time before we could get them into working order; that applies, however, to every department, and not to the medical department alone.

3725. Colonel *North.*] It has appeared in evidence, that, when civil surgeons are employed in the country, in cavalry regiments, they do not attend the mounted parades, and therefore, that if a severe accident should occur when they are on parade, there is no medical officer on the spot; does not that make it desirable that there should be a second assistant-surgeon for a cavalry regiment?—Certainly. There is no doubt that it is always better, if you can find them available, to have an assistant-surgeon with every body of troops; but as we had so many detachments of regiments, and as there was only one surgeon and an assistant-surgeon, it constantly happened that the assistant-surgeon went with one troop, while, perhaps, three had none. I see no reason why, if those three troops could do without an assistant-surgeon, the fourth could not. I do not deny, that, if you have the means, it is desirable to have a medical officer with every troop, but I do not think that that is so necessary as many other improvements that might be made in the medical department. A civil surgeon only performs the medical part of the duties, and is under no military law. You cannot order him to attend parades, because he is not a soldier; you can require him, by paying him, to attend to the sick, but you cannot require him to attend any parades, or to perform any military duties.

3726. *Chairman.*] Is your Royal Highness satisfied with the present system of medical examination of recruits?—No, I certainly am not altogether satisfied with it. I had reason during the time of my command in Ireland to report batches of recruits who had been passed, but who, in my opinion, were quite unfit for the service.

3727. Does your Royal Highness consider that that was the fault of the particular officer employed, or of the system generally?—I think that to some extent it was the fault of the particular officer, but the officer was backed by the authorities, and I got the worst of it. He certainly got a reprimand, I believe, for having passed men who had been complained of, and he was cautioned to be more careful for the future, but he was not dealt with as in my opinion he ought to have been, considering the style of men he had sent. It was a very strong case; it was in the 71st Regiment; that was in a time of peace. A large body of recruits came over; I believe they had been passed at Glasgow; I do not know the name of the officer, but I know I made a strong representation on the subject. I went down myself to inspect the men, and the staff surgeon of the district also inspected them, and he agreed with me in opinion with regard to them, and we made a report upon the subject; but there was an order that those men should be retained, and all that was done was, that the surgeon was desired to be more cautious for the future. That, I think, was not sufficient; I think he ought to have been removed.

3728. In that case there was no power of appeal?—No; and I think that is a great mistake. I think that in a case of that sort a general officer ought to have more power than he has; by which I mean that his representations should receive greater attention.

3729. Mr. *Bellew.*] In case of the general misconduct of a surgeon or assistant-surgeon; I do not mean medical but military misconduct; does your Royal Highness think that the medical local authorities ought to be allowed to deal with him directly, or do you think that the present system of reporting him to the medical authorities is sufficient?—I think that the medical department can take no notice of any misconduct, unless it comes through the local military authority. I think that the local military authority is the one that ought to be attended to in such a case; of course it must then go to the Director-general, because he must have cognizance of what is going on, and no

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

no doubt he would have to be consulted before the Commander-in-chief or any military authority could take any further steps; but I think it ought to originate with the chief military officer of the station, and that his opinion ought to be backed as much as possible.

3730. Without mentioning names, has it ever come under the notice of your Royal Highness that a case of the kind to which I have alluded, when reported by the military authorities, has not been afterwards dealt with by the superior medical authorities?—No, I cannot say I recollect an instance of that kind; it is just possible that allusion may be made to a case that happened in Dublin, but in that case the officer was brought to a court-martial, and it was the court-martial who decided in his favour. That case happened within my jurisdiction; the medical officer was there brought to a court-martial in consequence of my report, and he was afterwards, I believe, removed from the regiment; he was brought to a court-martial and acquitted; whether or not I think the court-martial was right in acquitting him I do not say.

3731. *Chairman.*] Is your Royal Highness of opinion that the conduct of the army medical officers, during the late war, was such as to entitle any suggestions coming from them to consideration on the part of the Government?—Most decidedly; many of them are persons who have had great experience, and are very capable, and therefore I think that Government ought to listen to any suggestions coming from them, taking its own course after hearing what they have stated.

3732. Mr. *Percy.*] Is your Royal Highness prepared to favour the Committee with any suggestions respecting general hospitals at home?—I think it is very desirable that there should be a great general hospital; I think it is necessary in an army such as ours, because I conceive that large numbers of invalides coming home from a foreign station cannot be better taken care of than they would be in a great general hospital. Many of them come home to be discharged, but it is impossible to discharge them in consequence of the state of their health, therefore I think it is essential that there should be a large general hospital at home for such purposes; and I think it might be made very available for the purpose I have before stated, of forming a good staff medical corps, such as I have proposed, from the ranks of the army.

3733. Sir *John Trollope.*] Is your Royal Highness of opinion that a general hospital of the kind to which you allude should afford accommodation for officers?—To a certain extent.

3734. Are you aware of the great hardships that many officers landed in England from the late scene of war have had to undergo, from being landed in a wounded state, and being obliged to find their own medical aid and lodging, with very imperfect means of doing so?—Decidedly; that I know to have been the case with regard to many officers who had no means to procure that medical advice which was essential to them in the state in which they were when they returned home.

3735. Is your Royal Highness aware of the superior advantages which officers in the navy enjoy in that respect?—Yes; and I think that officers in the army ought to have the same advantage.

3736. Mr. *Percy.*] Does your Royal Highness consider that hospital stoppages should be remitted in cases of *bonâ fide* sickness or wounds received in action?—I think that is a very difficult question to deal with; there is no doubt that in a time of war it is very desirable, and I believe that, in point of fact, it is done at this moment; but in a time of peace it is an excessively difficult question, because a man who remains long in the hospital has so large a sum of money in hand when he comes out, that it is detrimental to him, besides which there are men who get diseased through their own fault, and I think it is desirable that such men should be made to pay the expense they put the country to; I think it is a very difficult thing to lay down a rule upon the subject, or to alter the existing rule, though I believe that, in point of fact, since the war there have been no hospital stoppages in the East, or if there have been, they have been very light.

3737. Would it not be an encouragement to men to shuffle?—I think you would have a great deal of malingering.

3738. Mr. *Bellew.*] Would your Royal Highness make any difference between the case of married and single men?—I think it would be very difficult to do so,

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

so, because I do not see why a married man should not malinger quite as much as a single man.

3739. Colonel *North.*] Does your Royal Highness think that the price of rations ought to regulate the amount of the stoppages, so that a man in hospital should not be charged a high price when those out of hospital were getting their rations at a cheap rate?—I think that is a difficult question to give a decided opinion upon off-hand.

3740. Mr. *Noel.*] Does your Royal Highness think there ought to be any deduction made from the pay of a surgeon for forage?—No; I think it is a very hard case on a surgeon that a deduction should be made for forage. He is obliged to keep his horses, and if he does not, he in point of fact transgresses. I was very particular in requiring that every officer had his due number of horses in the cavalry. In many regiments it has been too much the custom to grant indulgencies in that respect. In order to save expense to officers, they have not been required in some cases to keep the number of horses required by the regulations, although they received extra pay for it. I think there ought to be no stoppages for forage, but then I think that every officer ought to have the number of horses he is ordered by regulation to keep.

3741. Colonel *North.*] It appears in evidence that, during the war, the surgeons of regiments were allowed forage for their horses, but that no men could be procured to take care of them; is it not the fact, that in the Crimea, it was found impossible to procure civilian servants to attend to them?—That was one of the greatest hardships that happened to medical officers in the East; I have seen surgeons and assistant-surgeons taking their horses down to water. When I have met them, I have said "What are you doing?" And they have told me they were going to take their horses to water. I have said, "Why do you not send your servant?" And they have replied that they had no servant. In such cases, although it was not strictly in accordance with orders, I took it upon myself in my division, if it was properly and clearly proved to me that a surgeon or an assistant-surgeon could not get a civilian servant, to allow him a servant. I was not authorised to do so; but I felt that if I did not, the man was perfectly useless as a medical officer, for he had enough to do to look after himself and his horse, and consequently had not sufficient time to attend upon the sick. I therefore considered that in such cases, I was doing a service to the army by allowing him to have a servant, although I object, and do always very much object to a military servant being taken from the ranks, if it can by possibility be avoided.

3742. Colonel *North.*] With regard to wounded officers arriving from the seat of war, especially junior officers, whose pay is very limited, does not your Royal Highness think it desirable that in their state of comparative destitution, and when they are unable to purchase those necessaries which a sick man requires, some allowance should be made to them, or that lodgings should be provided for them until they are reported sufficiently well to return to their homes?—Decidedly; I think that if you have not the means, which I think it is very desirable you should have, of putting them up in hospitals, it is but justice to them, if they are incapacited from taking care of themselves, and if they require an expenditure of money to restore them to health, that they should be allowed lodging money until they are sufficiently recovered to be able to take care of themselves, and to join their friends. I think that nothing is so cruel as to leave an officer to the tender mercies of his soldier servant.

3743. After a certain number of years medical officers of the army are, at present, entitled to half-pay, but no length of service entitles them to full pay; does your Royal Highness think that they might, after a certain length of service, be allowed to retire on full pay?—It would be a great boon to them, and I see no reason why they should not be entitled to it, under certain restrictions, as much as other officers in the army.

3744. *Chairman.*] Has your Royal Highness any other suggestions that you wish to make to the Committee?—No; I am not sure that what I said about the medical staff corps was quite understood. What I meant to say was this, that I do not approve of the organisation of the medical staff corps, such as I understand it to be, at present; but I think that a medical staff corps would be very valuable if the men forming it were taken out of the ranks of the army, going through a course of instruction such as I have suggested, and then being returned as hospital serjeants, and orderlies under the hospital serjeants. I think also

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

also that the general hospitals should be entirely attended by such men. Although I condemn the medical staff corps as at present constituted, I do not at all condemn a medical staff corps such as I have described; but, on the contrary, I think it would be very desirable to have such a corps. I am not sure whether I have sufficiently explained my views upon the subject of the promotion of medical officers of the army. I think that promotion should be made, as far as possible, by senoirity, although in special cases, I think, there should be a selection made; but when a selection is made, I think, that very strong grounds should be given for it, and that the ultimate decision should rest with the Commander-in-chief, so as to prevent all idea of favouritism. I do not at all mean to say that any favouritism has been shown; but I am quite sure that if any such impression should exist, the way to obviate it would be by letting the case be made out very clearly to the Commander-in-chief, who should ultimately decide whether or not it was one which would justify promotion.

3745. Colonel *North.*] It appears in evidence that in the first division of the medical staff corps, very little trouble was taken in selecting the men, for in August 1855, 993 men enlisted into it, out of which number 524 were considered ineligible, and it was not even required that the men should be able to read and write. Has your Royal Highness any observation to make upon that subject?—I think that is not the way to form an efficient corps. I would add, that if any young men wish to volunteer for such a service, without going into the army, I do not see any reason why a certain number who are duly qualified should not be allowed to enlist, with a view of going at once into the medical staff corps. I would take as many as I could out of the ranks of the army, because I think it would be a boon to the army, but I would not exclude men who desired to enter the service with a view of going into that corps.

3746. But I understand your Royal Highness to be of opinion, that under all circumstances, those to be enrolled in this corps should be attested as soldiers, and should be subject to military discipline?—Unquestionably; that I think should be the foundation of the whole plan.

3747. To regimental military discipline?—Yes. I hold that any man who is not subject to regimental discipline, is of no use to the army, even the medical portion of it.

3748. Sir *Henry Davie.*] As the corps to which your Royal Highness has now adverted would be formed of volunteers from different regiments and civilians, do you think that the maximum number should be fixed?—Yes, I think it would be well to have a fixed establishment, the expenses of which should be submitted with the estimates.

3749. With 140 or 150 battalions, if there were numerous volunteers from every regiment, that would amount to a considerable force; would it not?—I should propose that those who were considered by the surgeon of the regiment, and the commanding officer conjointly, the most eligible for the duty, should be selected. I do not apprehend that there would be any difficulty in confining it to a certain number of men.

3750. Would your Royal Highness keep those men who were selected on the strength of their batallions, or would you strike them off?—I would let them go for a certain probation, say three or six months, and if at the end of that time they were found to be qualified to perform the duties required of them, I should then strike them off from the strength of their regiments, and fill up their places with other men; and if they were found not likely to become qualified, I should send them back to their regiments as duty men, by which means I should form an efficient corps, and keep the regiment with its full complement of men.

3751. Colonel *Kingscote.*] Would your Royal Highness give to those men facilities for returning to the ranks if they wished to do so?—If a man did not like the change, or found it did not suit him, I would allow him to return to the ranks of his regiment.

3752. Colonel *North.*] Do you think that those men ought to receive extra pay?—Yes; I think it is desirable that there should be two rates of pay, so as to hold out to the men that if they behave well they would be promoted to the first class, and then again to the rank of serjeant; by that means you would be able to maintain discipline. If a man in the first class misconducted himself in any way, you could put him back into the second class; if he were a serjeant

H. R. H. *Duke of Cambridge*, K. G.

16 June 1856.

you would bring him to a court-martial, and if the charge was proved against him he would return to the ranks as a private, and if he afterwards conducted himself well he would rise again.

3753. Mr. *Percy.*] Do you conceive that if a person educated behind the counter of a chemist and druggist's shop is put into the same position as to rank and pay as an assistant-surgeon, the necessary effect of that must be to degrade the position of the assistant-surgeons?—Yes; I think that is a very objectionable arrangement; I think that the assistant-surgeons would not like it. It appears to me to be extremely objectionable, and I cannot say too much against such a system.

3754. *Chairman.*] Has your Royal Highness any other suggestion to offer to the Committee with regard to the subject of this investigation?—No; I am not aware of any.

Corporal-Major *Tomlinson,* called in; and Examined.

Corporal-major *Tomlinson.*

3755. *Chairman.*] WHAT position do you occupy in your regiment?—Hospital Serjeant-major.

3756. How long have you been in that position?—Ten years.

3757. In what regiment?—The 2d Life Guards.

3758. What are your duties in the hospital?—To attend upon the sick and administer medicines to them; to make up the medicines and to look after their bedding.

3759. Do you make up the prescriptions yourself?—Yes.

3760. How many doctors' handwritings have you to know in order to enable you to make up those prescriptions?—Only the surgeon and assistant-surgeon's.

3761. Have there been any mistakes made in dispensing medicines since you have been in your office?—None.

3762. Are the medicines kept under lock and key?—No; they are kept in the surgery; I have charge of it; I lock it at night.

3763. There is some one generally in the room, is there?—Yes.

3764. Is the door always left open?—It is always shut, except when I am there.

3765. So that there is always somebody in charge of the surgery, or the medicines are under lock and key?—Yes.

3766. What training had you before you began to make up prescriptions?—I had served my time to a chemist and druggist before I entered the service.

3767. In the event of your leaving that situation, is there any one in the regiment who would be able at once to succeed you?—There is not any one who, at the present time, understands the nature of medicines; but it is not difficult to make a person competent to dispense medicines in a short time.

3768. Is there any one who assists you?—No, there is not.

3769. Did you learn in the regiment how to dispense medicines before you began to do so, or had you any practice previously as a civilian?—I was apprenticed to a chemist and druggist in my youthful days.

3770. What would happen in the regiment if you were to be taken suddenly ill, or obliged to go away?—The assistant-surgeons would have to make up their medicines, unless they had a serjeant they could trust to do it; they must have a serjeant there, at any rate.

3771. Sir *James Fergusson.*] And he would have to be instructed by the assistant-surgeon?—Yes.

3772. Do you consider that an intelligent serjeant could easily acquire the necessary knowledge from the assistant-surgeon?—An intelligent serjeant ought to do so.

3773. Are the prescriptions which you make up written in Latin or in English?—Latin; it is more easy to make up the medicines if the prescriptions are written in Latin, because the bottles are all labelled in Latin.

3774. *Chairman.*] All you have to do is to compare the prescriptions in Latin with the labels on the bottles?—Yes.

3775. Sir *James Fergusson.*] What is your pay as hospital serjeant?—Sixpence in addition to my regimental pay.

3776. How much is that?—Three shillings and one penny farthing. I got an additional 6 *d.* about two years ago.

3777. Do

3777. Do you get a corporal-major's pay, and 6 *d.* in addition?—Yes; that is in the Queen's regulations, after seven years' service; it used to be after ten years.

3778. Colonel *North.*] Does your having served in the hospital make any difference as to your getting a pension?—Not at all; all serjeants are alike in that respect. Serjeants and serjeants-major are the same, except regimental serjeants-major and quartermaster-serjeants.

3779. Sir *John Trollope.*] Have you access to all the medicines in the surgery?—Yes, except the poisons; those are under lock and key, and the key is kept by the assistant-surgeon, or the surgeon in command.

3780. Mr. *Percy.*] What is the course of education in a druggist's shop for a dispenser?—You must have received a good education, and have a knowledge of Latin also.

3781. Sir *James Fergusson.*] Did you receive your education in a druggist's shop?—No; I received my education previous to that; my father gave it me. I knew Latin and Greek.

3782. Mr. *Percy.*] But that is not usually the case with dispensers in chemists' shops, is it?—I should say so, decidedly.

3783. How soon after you had entered the shop as an appentice were you allowed to dispense?—I could dispense medicines after I had been there 12 months accurately from physicians' prescriptions.

3784. Is there more difficulty in dispensing from physicians' prescriptions than in dispensing as you do now?—Most decidedly, because there is a variety of physicians' prescriptions which you have to dispense, and you have to read so many different handwritings.

3785. And different medicines?—Yes.

3786. Whereas in your surgery you only have to read the writing of two persons?—That is all.

3787. Did you lose any pay or advantage by going to the hospital?—No, nor did I gain for a twelvemonth. I was lance corporal when I first went there, and when I was made full corporal, I got additional pay.

3788. If you were discharged at the end of your term of service, would you be in the same position in point of pension as if you remained in the ranks as a serjeant?—Just the same; I should get no more pension. I did not receive any benefit from the hospital for seven years, and then I got an additional sixpence.

3789. How many have you under you in the hospital?—There is only one orderly.

3790. And how many sick have you at present?—I have 18 in the hospital now.

3791. Is the nurse a woman or a man?—A woman; she is my wife.

3792. Is she always retained as nurse?—She is always retained as nurse; and she cooks for the men, and does anything that may be required.

3793. Do you find that one orderly, with her assistant, is sufficient?—The orderly is principally occupied in cleaning the wards, and in attending to the sick.

3794. Is he able to attend properly to 18 sick soldiers?—Yes, he can manage it very well.

3795. If you had 20 men sick, would you have another orderly to attend upon them?—Yes; we have an extra orderly for any number of sick over 10, if we require it

3796. Sir *Henry Davie.*] Do you know the usual dose that is prescribed by medical men of each particular medicine that is in the hospital; I suppose there is some particular dose that is usually given of each kind of medicine?—I do not take notice of that; I make up the prescriptions exactly as I am ordered by the medical officer.

3797. You never administer medicine without an order from the medical officer, I presume?—Never.

3798. *Chairman.*] And you have never found any evil consequence to result from the system that has been pursued?—No.

3799. Did you hear of any such cases having occurred before you entered the service?—No.

3800. Who was your predecessor?—A person named Rossville.

3801. Did he learn his duty in the regiment?—Yes.

Corporal-major *Tomlinson.*

16 June 1856.

3802. Sir *James Fergusson.*] Do you make up the diet rolls?—Yes.

3803. Mr. *Bellew.*] Are you personally acquainted with any of the hospital serjeants in any other regiments?—None at all.

3804. Mr. *Percy.*] Did you volunteer for the duty, or were you appointed to the duty?—It was known by the medical officers that I had served my time to a chemist and druggist, and I was asked if I would go.

3805. You went as a volunteer?—Yes.

Serjeant *Thomas Inkster*, called in; and Examined.

Serjeant *Thomas Inkster.*

3806. DID you go out with the army to the East?—Yes.

3807. What position did you hold at Varna?—I was hospital serjeant.

3808. Did you dispense there?—Yes; I made up the prescriptions.

3809. How many handwritings had you to know?—As many as seven or eight since I went out.

3810. Did you find any difficulty in it?—None whatever.

3811. All you had to do was to compare the writing on the bottles with that in the prescriptions?—Simply that.

3812. Was there any case in which a regimental serjeant or orderly fell ill?—During the summer of 1855 there was in one regiment.

3813. And what was the course adopted in that case?—They applied to our surgery; we were lying close to them.

3814. What regiment was that?—The Coldstream Guards.

3815. Their dispensing serjeant fell ill, did he?—Yes.

3816. And you were able to supply the vacancy thus created?—I had two corporals at that time who were qualified.

3817. How were they qualified?—By having been employed in the hospital.

3818. And one of those you could safely recommend to the Coldstreams?—Yes.

3819. Did any evil consequences arise in that case?—None whatever.

3820. Do you think, as far as your experience enables you to judge, that the system of dispensing in your hospital was a good one?—I think it answered remarkably well.

3821. How did you learn that system?—In a hospital in London; I went there to gain experience, and to receive instruction.

3822. Learning of some man who was there before you?—Yes.

3823. How long did it take you to learn before you were duly qualified?—I was there two months; but I was employed as hospital serjeant before I went to the Crimea.

3824. Colonel *North.*] Were you in any chemist's shop before you went into the service?—No.

3825. Sir *James Fergusson.*] How were you off for orderlies in the East?—Generally pretty well.

3826. You had no difficulty in getting men to do the work of orderlies well?—No; we always had plenty of men who volunteered.

3827. *Chairman.*] Would you say that soldiers prefer to be nursed by their comrades, or by civilians?—By their comrades.

3828. You left from ill-health, did you not?—Yes.

3829. Did you continue to perform the duties of a dispensing serjeant till you left?—Yes.

3830. Sir *John Trollope.*] Are you in the hospital now?—Yes; a battalion is going into the country soon, and I am going with them.

3831. Are you still hospital serjeant there?—No.

3832. You are going to perform the same duty in the country that you did in the Crimea?—Yes.

3833. Mr. *Percy.*] Are the prescriptions which you make up written in Latin?—Yes.

3834. Sir *James Fergusson.*] The appointment is sought after, is it not, so that there is always some one willing to become a hospital serjeant?—Yes; there is no difficulty in it.

3835. Sir *John Trollope.*] Do you see any reason why a man who can read and write well, and who has ordinary intelligence, should not, after a certain length of training, become a good hospital serjeant?—None whatever.

Serjeant *Thomas Inkster.*

16 June 1856

3836. In your opinion, what length of training qualifies a man to perform the duty?—From two to three months at the outside.

3837. Have you ever found any cases of young men who have enlisted who have been in druggists' shops, or acquainted with chemical matters?—I have a few; about two cases only, I think.

3838. And have they been employed in your hospital?—We had one employed when I left.

3839. Had he been so brought up?—Yes.

3840. Does it require that kind of education to qualify a man to be a dispenser of medicine in your hospitals?—No.

3841. *Chairman.*] Shall you have an orderly under you in the country for the purpose of training him to perform your duties?—No, not for the purpose of training him precisely to perform my duties; I shall have a corporal under me.

3842. And will you train him to dispense?—Yes.

3843. So that in case of sickness happening to you, you could rely on him to do the duty?—Yes.

3844. Is that, as far as you know, the system that is pursued in your regiment?—Yes.

3845. Mr. *Percy.*] Does the assistant-surgeon ever dispense?—Not generally; it is done under his superintendence.

3846. *Chairman.*] And you think that, on the whole, that plan worked well abroad?—Perfectly so, in my regiment.

3847. Sir *James Fergusson.*] Have you ever had any fault found with your dispensing?—No.

3848. Has any mistake ever occurred?—I never heard of any.

3849. Mr. *Percy.*] If any has occurred, it has never been reported?—No.

3850. Mr. *Bellew.*] Are you personally acquainted with many other hospital serjeants?—No, I am not, except of two regiments, the Grenadier Guards and the Coldstream Guards; I was acquainted with them in the East.

3851. Have you ever known any mistakes made by hospital serjeants in making up medicines?—Never.

3852. You never knew any accident happen from making up wrong medicines?—I never heard of any.

Charles Frederick Maunder, Esq., called in; and Examined.

C. F. Maunder, Esq.

3853. *Chairman.*] WILL you state, if you please, the circumstances under which you arranged to go to the civil hospital at Renkioi?—I was recommended by the professors of the Edinburgh Infirmary, and also Guy's Hospital, to Sir James Clarke, who on this recommendation gave me the appointment.

3854. Sir James Clarke concluded the arrangement, did he not?—Yes.

3855. What were the papers which you had to sign?—There were no papers for me to sign at all.

3856. Was it merely a verbal agreement?—A verbal agreement with Sir James Clarke, and then I received a sort of commission from the War Office, signed by Mr. Hawes.

3857. Have you it here?—No; I have it at Guy's Hospital.

3858. Will you furnish us with a copy of it?—Yes.

3859. It related to pecuniary arrangements?—Yes; I received two papers; one was lost at head-quarters in the Crimea; I sent it there, and it was lost in the Adjutant-general's Office. I have the commission in my possession.

3860. Have you a copy of it?—No.

3861. What is the paper that you have now?—It simply states that I was appointed to the civil hospitals in the East.

3862. Had you two papers to sign, then?—No; they were sent to me signed by Mr. Hawes.

3863. What document have you to show your appointment?—Simply one paper.

3864. Did you sign no agreement with the War Office?—No.

3865. Was that the case generally with the medical officers?—Yes.

3866. Had you an interview with Sir James Clarke?—Yes.

C. F. Maunder, Esq.

16 June 1856.

3867. Subsequently you received a paper from the War Office?—Yes, I received two papers.

3868. Subsequently to your interview with Sir James Clarke?—I had an interview with Dr. Simpson and Dr. Christison, and Mr. Hilton, who recommended me to Sir James Clarke, and upon that recommendation I received the appointment.

3869. Mr. *Percy.*] Did you sign no paper, binding you to serve for a certain period?—No, none whatever.

3870. Therefore you were not bound to serve?—No; the arrangement was, we were to serve for 12 months; and if we did so, we were to receive a gratuity of half a year's pay.

3871. *Chairman.*] Did you sign nothing?—I signed nothing.

3872. Then there is no agreement binding at all upon you?—No.

3873. Sir *James Fergusson.*] Would any increase in the pay of an assistant-surgeon have tempted you to take such a position in the army?—No.

3874. *Chairman.*] Was it proposed to you to serve under a military principal medical officer?—No.

3875. Do you think there would have been a difficulty in that?—I should not have objected.

3876. What was your position with reference to Dr. Parkes?—He was the superintendent at the Renkioi Hospital

3877. Were you to be subordinate to him?—The paper I received simply said that I was appointed assistant-surgeon to the Renkioi Hospital. I had previously understood from Sir James Clarke that we were to have the sole charge of a ward of 50 beds, and that we were to be under no control as regards the patients.

3878. Did you imagine that your dismissal was in the power of Dr. Parkes when you went out?—No.

3879. What was your idea as to the consequences of a report from him of misconduct?—I should apprehend that it would be sufficient to dismiss me; but a report must be sent home to the Government first.

3880. I understand you to say that you received your instructions by word of mouth, and not in any written paper?—Yes.

3881. Was that the case with regard to other gentlemen who were appointed?—Yes. I saw some paper in Edinburgh from Mr. Peel before I came up to London, which said that we were to have 25 *s.* a day, and captains' allowances, and so on.

3882. You had a written recommendation from certain gentlemen, and then an interview with Sir James Clarke; and subsequently you received, as I understand you, two papers from the War Office, neither of which you were called on to sign, and one of which was lost in the Crimea?—Yes.

3883. That is an official history of your appointment?—Yes.

3884. Is there any dissatisfaction existing now among the civilian surgeons of that hospital in consequence of some misunderstanding which has arisen?—Not that I know of.

3885. Sir *John Trollope.*] When did you come away?—Five weeks since.

3886. Was the whole of the staff broken up then?—No; I was the first to leave.

3887. Did you leave with leave?—I had leave from Dr. Parkes.

3888. Were your services no longer required?—No; they were not required any longer; the hospital was about to be broken up.

3889. *Chairman.*] What number of patients passed through that hospital, do you know?—I am not prepared to say.

3890. Mr. *Percy.*] Had you ever as many as 50 beds in your ward?—There were 50 beds in each ward, and some of them were filled.

3891. Had you 50 patients at any one time?—No; I had not a ward for more than a month at a time at Renkioi.

3892. *Chairman.*] Under what understanding did you volunteer for the Crimea?—Dr. Parkes gave me permission to do so, and I went and offered my services to Dr. Hall, and they were accepted.

3893. Had you any written instrument of agreement then?—No.

3894. Sir *John Trollope.*] Have any of the civilian surgeons in the East been taken into employment as assistant-surgeons or otherwise in the army?—I am not aware of it.

3895. Sir

3895. Sir *James Fergusson.*] It would be a great sacrifice of pay, would it not, if that were to be done?—Yes.

3896. Mr. *Bellew.*] What were your pay and allowances while you were serving in the hospital at Renkioi?—Twenty-five shillings a day, and board and lodging.

3897. What did your board consist of; military rations?—We were allowed three meals a day; everything was provided for us.

3898. *Chairman.*] When did you go to Renkioi?—In July; I left England last May, and some of us remained at Scutari for some time, because the hospital was not ready for us.

3899. What was the largest number of patients that you had at any one time?—Between 600 and 700.

3900. What was the largest number in your ward?—I never had the ward for any time. I went to the Crimea in September, and before that no patients had been received at Renkioi, and after I returned there were no patients for me to have.

3901. They were all gone home?—They were distributed in wards, under the care of some of my colleagues.

3902. What was the capacity of your hospital?—It was made ready to receive about 1,200 patients.

3903. What did you do with the convalescents?—They were sent on to Abydos.

3904. Had you a commandant at Renkioi?—Yes.

3905. When did he come?—I cannot tell when he came; it was while I was in the Crimea.

3906. When did you come back to Renkioi?—At Christmas; the 20th or the 22d of December.

3907. Sir *John Trollope.*] Were you professionally employed when you went to the Crimea?—Yes.

3908. Were you placed in the hospital or in the field?—At the general hospital in the field.

3909. In huts, was it not?—Yes.

3910. Had you charge of any portion of the hospital?—Yes, two wards.

3911. Containing what number of men?—Fourteen beds each.

3912. Is that the only service you have had since you have been out in the East?—No; I have had occasional patients at Renkioi; and I have also been in charge of a guard of 30 men at Renkioi.

3913. Those were men in good health, I suppose?—Yes; when patients were sent out, they were also put upon the guard, and if any of them were ill, they were sent to me. I also had charge of the orderlies and artisans

3914. *Chairman.*] Were they civilian orderlies?—Not all; some were military orderlies.

3915. Sir *John Trollope.*] Had you any difficulties with the civilian orderlies with regard to their discipline?—No.

3916. *Chairman.*] How did the sick soldiers behave?—Very well; I was quite pleased with them as patients.

3917. What did you think of the behaviour of the patients in the Crimea?—I was very well pleased with them; they were exceedingly attentive and grateful for all that was done for them.

3918. And were they patient under suffering?—Quite so.

3919. Is your opinion of the patience of the army a high one?—Yes.

3920. Mr. *Noel.*] Can you inform the Committee whether Dr. Parkes was ever an assistant-surgeon in the army himself?—I think he was in the Indian army.

3921. Mr. *Bellew.*] You have stated that your pay was 25*s.* a day, with board and diet; what other grades in the Medical Department were there superior to you?—The consulting surgeon and consulting physicians, and Dr. Parkes.

3922. Are you aware of how many doctors the whole civilian staff consisted in the hospitals of Smyrna and Renkioi?—No; I think it was 26 at Renkioi; but as to Smyrna, I know nothing.

3923. There was the surgeon over you, and above him there was Dr. Parkes?—Yes.

3924. Do you know what Dr. Parkes's pay was?—I have heard that it was 2,000 *l.* a year; but I could not say with certainty.

3925. And board and lodging?—Yes.

C. F. Maunder, Esq.

16 June 1856.

3926. What was the pay of the surgeon?—Two guineas a day.

3927. And board and lodging?—Yes.

3928. Sir *John Trollope.*] Had you, as chief surgeon at Renkioi, Mr. Spencer Wells?—Yes.

3929. Are you aware that he was a half-pay surgeon in the navy?—I understood that he had been an assistant-surgeon.

3930. Did he hold one of the civilian appointments as a medical officer at Renkioi Hospital?—Yes.

3931. Belonging himself at the same time to another branch of the public service?—I am not aware.

3932. But he had been in the navy?—Yes.

3933. And very recently?—He had been in private practice in London for some years.

3934. And had he been in the navy since that time?—I am not aware that he had.

3935. Do you know now whether he is on the half-pay list of the navy?—I do not know.

3936. Is he still at Renkioi?—Yes.

3937. Is he the chief surgeon there?—Yes.

3938. Mr. *Bellew.*] Did the surgeon, as well as Dr. Parkes, go out with the agreement that they were to receive half-a-year's pay when they were dismissed from their duties at Renkioi?—There was only one full surgeon, Mr. Wells.

3939. All the others considered themselves as assistant-surgeons?—Yes; I believe that Mr. Wells was to receive half-a-year's gratuity.

3940. Are you aware what gratuity Dr. Parkes was to receive?—No, not at all; I was in the Crimea, so that I do not know what occurred at Renkioi.

3941. How did you find civilian surgeons get on with army surgeons?—Very well indeed; they were exceedingly kind and attentive to me when I was in the Crimea.

3942. And you are able to speak favourably of them as a class?—Yes.

3943. You were not there when they were so severely worked, were you?—No.

3944. Were you in the front hospital?—Yes.

3945. What is your opinion of Dr. Mowatt?—I was much pleased with him.

3946. Do you think the men usually prefer a regimental to a general hospital?—I have never asked them.

3947. Were you at the Genoese hospital?—No, in the general hospital in the camp.

3948. But never in the Genoese?—No.

3949. Were you ever in the St. George?—Simply on a visit.

3950. But not practising?—No.

3951. Mr. *Bellew.*] You said just now that you would not have been induced to enter the army as assistant-surgeon; why not?—I have other objects in view; I do not like the army under any circumstances; I think they are badly paid, to begin with.

3952. *Chairman.*] You went more for the sake of experience?—For the sake of experience solely.

3953. Had you any experience of the French hospitals?—Yes; I visited the French hospitals at Pera, occasionally.

3954. Did you visit them in front?—No.

3955. Do you not think that the arrangements in the French hospitals were far superior to ours?—No; they were very dirty.

3956. What time was that?—In June last year.

3957. That accounts, does it not, for the great mortality which has occurred this year?—Yes, to a certain extent.

3958. Had you many operations to perform in the front?—Yes.

3959. By whom are the operations performed?—By the surgeon generally; but if there is great pressure, then by the assistant-surgeon also.

3960. But the surgeon is often an elderly man, is he not?—Yes; but he is quite competent to perform operations, and I suppose he would consider that he was more competent than an assistant-surgeon.

3961. Is it not considered in private hospitals that a man is not competent to perform operations after he is of a certain age?—Perhaps not; but as long as he can hold the knife, I think he is disposed to operate.

Veneris, 20° die Junii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Colonel Kingscote.
Mr. Bellew.	Mr. Noel.
Colonel Boldero.	Colonel North.
Sir James Fergusson.	Mr. Peel.
Sir Henry Davie.	Mr. Percy.
Sir John Hanmer.	Sir John Trollope.

AUGUSTUS STAFFORD, Esq., IN THE CHAIR.

The Right Hon. The *Earl of Cardigan*, attending by permission of the House of Lords; Examined.

Right Hon. Earl of *Cardigan*.

20 June 1856.

3962. *Chairman.*] YOUR Lordship has had considerable experience as a regimental officer?—I commanded a regiment for 18 years.

3963. During that time the relative positions of the medical and the executive officers, of course, came frequently under your Lordship's consideration?—Very much.

3964. Have you any alteration to suggest in their relative positions?—There have been suggestions as to making the medical body of the army a more completely military body, with respect to sitting on courts martial; what is your Lordship's opinion upon that subject?—I should be decidedly against it; I think it most objectionable and most unnecessary; when there are plenty of other officers, why medical officers should sit on courts martial I cannot possibly understand.

3965. From your experience, you think that no change is necessary in the relative positions?—None whatever. If I may be allowed, I will state, that the only objection which I know of to the relative positions of the commanding officers of regiments and the Medical Department is, that unless the commanding officer of a regiment asserts his authority in the most positive way, I consider the Medical Department to be much too independent at present of commanding officers; and I could point out inconveniences which have often occurred during the many years that I commanded a regiment; and also upon service in the Crimea I could give you one or two instances.

3966. The Committee will be much obliged to your Lordship if you will give those instances?—For instance, I will at once show you the inconvenience to which a surgeon or surgeons could put a regiment, or a brigade, or a division of cavalry, on service. I will tell you first of all what my rule was during the whole time that I commanded a regiment, which I have before said was 18 years, and which I believe to be the rule of the service if carried out; but it is difficult to carry it out; it is this, that men should be either sick or fit for duty; but that is not the system adopted by many surgeons. The plan that they would adopt is, in addition to those who are either sick or fit for duty, to have a vast number of men excused from duty, and to put them under the head of convalescent, idling about the barrack-yard, and throwing their duty upon the other men of the regiment. Of course the extent to which that is carried would depend very much upon the inclination and disposition of the surgeon. The whole of that I believe to be contrary to the rules of the service. I will give you an instance of it. At Yanibazar in the Crimea, two years ago, during the months of June, July, and August, I commanded the Light Cavalry Brigade, and a troop of horse artillery in advance of the army about 40 miles, close by Shumla; therefore of course I was in independent command. The system was there introduced of a vast number of men, besides the men in hospitals, being allowed to be exempt from duty upon the plea of their not being quite well. What their diseases were of course was not inquired into, but they were put down under the head of convalescent, and there were a vast number of these men every day. The consequence was, of course, that the brigade never could be got out mounted for any early drill in the cool of the morning, because vast numbers of these men reported themselves to the

Right Hon. Earl of *Cardigan*.

20 June 1856.

the regimental medical officers, and obtained leave to stay at home. I spoke seriously upon this subject to Dr. M'Donald, who was the chief staff surgeon of the brigade, a remarkably agreeable, and a very intelligent, and a very attentive medical officer, and he told me that my view of it was quite correct; that either the surgeons were obliged either to take men into hospital, and consider them sick, or they ought to be fit for all their duties, but that they had no right to excuse a vast number of men from duty upon what might be very slight grounds; he supported me in my view of the case, spoke to the surgeons upon the subject, and the habit was discontinued.

3967. Were these convalescent men doing duty as orderlies?—No, they were the men of the different regiments of the brigade.

3968. Sir *John Trollope*.] Were they at the time put under the hospital stoppages, or were they receiving their pay?—They were receiving their pay, and doing nothing in the camp.

3969. Then the system was calculated to encourage idleness and malingering in the troops?—Of course it was; and the number of men so excused would depend entirely upon the disposition and inclination of the medical officer. For instance, one medical officer might be very rigid and scrupulous, and say, no man shall be absent from his duty who is able to perform it; and another might be very lax in his views, and allow a great many men to be absent. The consequence is, that you would have a number of men in a brigade or a division idling about the camp and doing nothing.

3970. Had it not the effect of dismounting a great many horses, and rendering them unfit for service by having no riders?—It threw those horses upon the men's comrades; the horses were left in from field duty, and thrown upon their comrades to dress them.

3971. Sir *Henry Davie*.] Have you any reason for supposing that these men could have done duty, or that any of them could have done regular duty?—I have not the slightest doubt about it; they could have performed those operations in the camp at Yanibazar as well as in regimental barracks in this country; I am perfectly certain that if that system was permitted, a vast number of men would be from duty who would have no right to be so.

3972. Sir *John Trollope*.] After your remonstrating, you had a fewer number of men probably who were so excused from duty?—They were none of them excused afterwards, because Dr. M'Donald, the chief staff officer, supported my view of the case, and stopped it.

3973. Then, in fact, afterwards men were either confined to hospital or at their duty?—Men were afterwards either at duty or sick.

3974. Sir *Henry Davie*.] Did that improvement lead to there being a greater number of effective men?—No doubt it did.

3975. Mr. *Percy*.] Do you think, then, that a state of convalescence should not be recognised?—No; neither in barracks nor in camp. I should keep the men, for instance, in camp, in the tents; and of course, as they became convalescent, they would have an extra period of time for air and exercise than if they are seriously ill; but it should be either one thing or the other; they should either be in hospital or fit for duty; that is my decided opinion.

3976. Is it not very disadvantageous to keep a man in an hospital after he is in a state of convalescence?—No; a well-regulated hospital (and all our hospitals are well-regulated hospitals) is just as healthy, and the wards are just as comfortable, and the ward, which becomes the man's room, is less crowded than a troop-room or a company's room, and therefore quite as healthy, if not more healthy; and the men in hospital can be allowed to have any quantity of air and exercise that the surgeon chooses to give them.

3977. *Chairman*.] Is there any other illustration which you wish to give regarding the relative positions of the medical and executive officers?—No; I have no particular view of my own to give; if you put any question to me I will answer it.

3978. You stated that you thought there should be no change, and that the medical body should not have more military power than they have at present; in short, that the medical men should not be made a more military body?—Do you mean a more independent body?

3979. Yes.—Certainly.

3980. Colonel *Boldero*.] Do you think that the commanding officers have not the power and authority over the medical body which they ought to have?—I think

I think they have now, if the commanding officers choose to insist upon it. I mean to say that I would not have it diminished in any way.

3981. Sir *Henry Davie*.] With regard to the military position of the medical officers, would you recommend their having any military command at any time. For example, a surgeon ranks as a captain in choice of quarters?—He does.

3982. Would you allow him to command a parade if he happened to have the senior choice of quarters?—Decidedly not; the thing is perfectly absurd; what can a military medical officer know about drill and parade? It is impossible.

3983. Then again, supposing it is necessary that he should sit upon a court martial, which may be necessary occasionally, would you give him any position beyond his rank; how would you place him upon the court martial?—It is a thing which I never before heard of; I did not know until I read matters connected with this inquiry, that a medical officer had ever sat upon a court martial.

3984. Colonel *Kingscote*.] Does your Lordship think that the relative position of the army medical officers and of the other officers of the regiment works at present satisfactorily and for the good of the regiment?—Perfectly.

3985. Mr. *Bellew*.] Your Lordship stated that unless the colonel of the regiment exerted to the full the authority vested in him, you thought that any diminution of that power would be injurious to the service?—Most injurious.

3986. Does your Lordship think that if the Medical Department was in a great measure emancipated from the immediate military authority of its commanding officers, it would work in a manner highly injurious to the service and to the discipline of the army?—Most injuriously; I do not think it would be possible then for a commanding officer, with an ill-disposed surgeon, (and I am afraid, amongst surgeons, there must be every now and then one of that description, as in every other rank and class of life; I am afraid human nature is not perfect), to carry on the discipline of his regiment. You might get a very objectionable surgeon in a regiment, and it appears to me that he might subvert the authority of the commanding officer. I would exemplify it in this way: we will suppose a civilian to be put as the medical officer of a regiment, and not at all under the authority of the commanding officer of that regiment, I consider that, if that civilian, not under military authority, chose to set himself up against his commanding officer and to oppose him, he might almost prevent the commanding officer of that regiment having any parade at all.

3987. Colonel *Kingscote*.] Your Lordship thinks that the commanding officer of the regiment should have supreme military control over every person in or attached to the regiment?—If he has not, I consider that it is impossible to carry on the command of the regiment.

3988. Mr. *Bellew*.] It has been mooted, I do not know whether upon very good authority, that an hospital staff corps is to be established, and that men coming from a staff corps would be attached to regiments in order to serve as hospital orderlies, and to perform other duties in conjunction with the hospital, and that those men, if misbehaving or becoming ill, would not be under the direct authority of the colonels of the regiments, but would either be sent back to the corps from which they came, or would be, I suppose, placed in confinement until they could be sent back to the corps; does your Lordship think that an arrangement of that kind would conduce to the good of the service?—It would be destruction to the welfare of the service and of every regiment.

3989. Does your Lordship think that, in case those men were misbehaved or ill, their place would have to be supplied by men taken from the ranks of the regiment, thereby weakening the regiment?—Certainly; that would be for the time being, I suppose, until they were replaced.

3990. *Chairman*.] Has your Lordship had an opportunity of looking over the evidence which you gave before the Sebastopol Committee last year?—Yes.

3991. There are some parts of that evidence which more especially relate to the subject of the inquiry of this Committee, namely, the medical parts; do you see any reason to change or modify the opinions which you then expressed?—Not at all.

3992. Did you find the supply of medicines generally adequate throughout the campaign?—Very inadequate, from the first moment that we landed at Varna.

Right Hon. Earl of *Cardigan*.

20 June 1856.

3993. How was your attention first called to that inadequate supply?—I was constantly spoken to by the surgeons themselves, and also by the brigade-major, who said that there was great difficulty from the want of medicine. It was reported to me particularly at Yanibazar, in the month of July 1854, where there was a great deal of sickness, and there were daily deaths in the brigade. We lost 32 men in the month, 10 of whom died of cholera, and the others of fevers and other complaints.

3994. Did you take any steps to procure medicines?—Yes. The surgeons were in such a situation with regard to medicines, and there was such a total want of medicines, that being in constant correspondence privately with Lord Raglan, the Commander-in-chief of the army, I wrote to Lord Raglan a most pressing letter, requesting that he would send for the chief of the Medical Department at Varna, and that he would represent to him that the medical officers of the brigade under my command were very ill supplied with medicines, and had no medical comforts of any description. I got an immediate answer from Lord Raglan, to say that he had sent to the chief of the Medical Department, and that a large stock of medicines and medical comforts had been immediately sent out on mules to Yanibazar, to the brigade. I think I might also state to the Committee that I had great difficulties to contend with in this matter; for although the surgeons of the regiments constantly came to me, and freely communicated with me as to the deficiency of the medicines, yet, when they found that I was going to take this thing up, and communicate with the Commander-in-chief of the army, a totally different view of the case seemed to come over them, and they appeared to me to be very much alarmed at the probable or possible displeasure of the head of the Medical Department, and I was particularly requested not to name any one of these surgeons, or to represent in any strong language that they had made these representations to me. In short, it appeared to me that there was a great terror of the head of the Medical Department. The consequence was that I had to manage this matter by writing a private letter to Lord Raglan; and I requested Lord Raglan to send for the head of the Medical Department, and to say that there was a deficiency of medicine; but I did not attach blame to anybody, and I so managed it that we got the medicines, and the thing passed off without anything else being said. Certainly, when I was about to make that representation to Lord Raglan, there seemed to me to be a great deal of apprehension amongst the medical officers that they would get themselves into difficulties by making a representation which might reflect upon the head of the Medical Department.

3995. Did they represent themselves as having forwarded memorials to their own superior medical officers?—One or two of them said that they had done so, and the others said that it had not been done generally. However, the grand object was, that no blame was to be thrown upon the head of the Medical Department, and therefore I made no observation which would reflect upon him, and the matter was settled quietly by the medicines being sent out. I had a very great difficulty about it. I was at first requested by the medical officers not to make any representation at all. I said, "Oh, that is impossible; you have represented to me that you have not got medicines; there is great unhealthiness in the camp, the men are dying, and do you mean to say, that on account of any feeling with respect to the Medical Department, or anything else, I am to refrain from letting Lord Raglan know that there is not a sufficient quantity of medicines for the cure of the men?"

3996. Sir *John Trollope*.] By "the head of the Medical Department," did they mean the head of the Medical Department out on service?—Out on service.

3997. No reference was made to home?—Not the slightest.

3998. Mr. *Percy*.] Did they state that there was a deficiency of medicines generally, or of any particular sort?—Of every sort of medicines. Till these mules came out, laden by Lord Raglan's order, there were no medical comforts of any description.

3999. *Chairman*.] There were insufficient medicines, and a total absence of medical comforts, till you wrote that letter to Lord Raglan?—They had scarcely medicine enough to deal with the complaints of the men until I wrote to Lord Raglan upon the subject.

4000. Mr. *Percy*.] At Varna?—From Yanibazar to Varna. I have got Lord Raglan's reply now.

4001. *Chairman*.] Can you remember what interval occurred between the date

date of your writing the private letter, which you have mentioned, and the arrival of the additional medicines and medical comforts?—They were sent off instantly; they arrived at Yanibazar, I should say, three days after I wrote my letter, the distance being 40 or 50 miles.

4002. Do you know where these medicines and medical comforts were?—At Varna.

4003. Did the medical officers tell your Lordship what answers they had received to their applications?—I never broached the subject with them. I found it a very delicate question, and having got the medicines, I let the subject drop.

4004. Mr. *Percy.*] Who was the head of the medical staff at the time you allude to at Varna?—I will not be positive, but my belief is that it was Dr. Hall.

4005. Mr. *Bellew.*] Did it strike your Lordship that it was Dr. Hall or the the head of the Medical Department in England that these gentlemen seemed to be afraid of?—Not the Medical Department in England. I think no reference was made to that. It was known to everybody, to the surgeons and to myself, that there were plenty of medicines out there with the army in some quarter or other, but they had not been sent out to the surgeons belonging to the brigade which I commanded.

4006. Sir *John Trollope.*] Did you receive the necessary medical comforts as well as the medicines?—A great supply of medical comforts was sent out.

4007. Did you receive sufficient for you at Yanibazar?—Yes, certainly.

4008. *Chairman.*] So far as you know, there is in existence no official correspondence complaining of the inadequacy of the supply of medical stores at a time when there was an absolute want of them?—At a time when there was an absolute want of them there was no official correspondence.

4009. Had you reason to complain of the want of medicines after that period in the Crimea?—I am not aware; I do not think I ever heard of any want of medicines afterwards in the Crimea.

4010. Colonel *Boldero.*] Do you know what reason the Medical Department assigned for not issuing these medical stores?—No, I never ascertained any reasons. Having written to Lord Raglan, and obtained the medicines and the medical comforts for the brigade under my command, I let the matter drop.

4011. Sir *Henry Davie.*] There having been an abundant supply at Varna, you do not attach any blame, I presume, to the Home authorities?—Not in that instance, certainly.

4012. They had furnished supplies, but those supplies were not served out to the troops, if I understand you?—I know nothing more of the case than that. I never heard any more of the details in any way.

4013. *Chairman.*] Your object was to obtain the medicines without annoying anybody?—My object was to obtain the medicines. As I have mentioned before, the medical officers seemed to be very much alarmed lest they should be brought into collision with the head of their department, and therefore I refrained from making any official representations. I made representations privately to Lord Raglan, and then let the matter drop.

4014. Were your troops well supplied with medical officers?—Certainly, I should say at Yanibazar there were plenty; there were four regiments of cavalry and a troop of horse artillery, and each regiment had two surgeons, and there were two staff surgeons.

4015. And that you think was sufficient?—That was not in actual warfare; it was not before the enemy; it was in Bulgaria, previously to the landing in the Crimea.

4016. In the Crimea, had you a sufficient number of medical officers?—I should say that in the Crimea the number of medical officers was not sufficient; when we got into active service in the field, in the first place, the medical officers dropped off themselves from disease, and one or two of them died.

4017. And their places were not supplied with sufficient rapidity?—They were not supplied readily at all; I scarcely think their places were supplied, at least for many weeks afterwards.

4018. Mr. *Noel.*] Does your Lordship think there is a sufficient number of medical officers attached to a cavalry regiment at the present time?—Yes, I think so, at the present time. Taking the strength of the regiments as they

Right Hon. Earl of *Cardigan*.

20 June 1856.

were before the war commenced, namely, 360 non-commissioned officers and rank and file, I think that two surgeons are quite sufficient.

4019. Colonel *Kingscote*.] Would your Lordship always keep the assistant-surgeon at head-quarters?—No; I do not see the advantage of that; I think, that the fact of the assistant-surgeon remaining at head-quarters, or going to out-quarters, should depend very much upon the strength of the detachment. I would not send an assistant-surgeon out with 30 men, but I would send an assistant-surgeon out with a very strong squadron.

4020. Are you speaking of at home or in the field?—At home.

4021. Mr. *Noel*.] With regard to leave of absence, would it not make it very difficult, the medical officer ever being away from head-quarters on leave of absence?—I do not see the difficulty about medical officers having leave of absence. I think they always get pretty much what they wish.

4022. Do you think there is sufficient opportunity for a medical officer at this moment to obtain leave of absence?—I think so. They got a month or five weeks at a time, and during that time, if there was no military medical officer in the neighbourhood, they were allowed to employ a civil medical officer.

4023. Mr. *Bellew*.] Does your Lordship approve of a military medical officer having to pay a civil medical officer in his absence?—I think that is hard and unfair.

4024. Your Lordship said, I think, in the early part of your evidence, that you did not approve of the present system of convalescents?—Yes.

4025. In the case of very slight complaints, for instance, in the case of saddle sores, to troops, would you confine that class of disease strictly to hospital?—I think that any man who suffered from riding, if the injuries were so slight as not to make him go to hospital, ought to go out with the troop.

4026. Colonel *North*.] As the cavalry regiments are now increased, would you increase the number of assistant-surgeons?—Of course; you require more medical advice. If the strength of each regiment is to be raised from 360 to 420, 430, 440, or 450, of course you will require more medical assistance; then I think two assistant-surgeons and a chief surgeon will be requisite, and most expedient.

4027. Mr. *Noel*.] That is to say, that if a cavalry regiment were made up to its present strength, you would recommend the appointment of another assistant-surgeon to that regiment?—Yes, with the present strength of men.

4028. *Chairman*.] Do you think that a surgeon ought always to be on parade in a cavalry regiment?—I think always; certainly during field days.

4029. Sir *Henry Davie*.] Mounted parade?—Mounted parade.

4030. Colonel *Boldero*.] We have it in evidence that many of the medical officers of the army in the Crimea were placed in great difficulties for want of civil servants; did any case of that kind come under your observation?—No. The regimental medical officers had bât men.

4031. But was it the case with respect to the staff surgeons?—It was never brought under my observation in any way; but the regimental medical officers had bât men.

4032. One staff surgeon was seen taking down his horse to water; he was asked what he was doing, and he mentioned what he was doing, and that the reason was that he could not get a civil servant; he immediately had a soldier given to him?—Yes.

4033. Colonel *North*.] That was an infantry surgeon?—Yes.

4034. Colonel *Boldero*.] But in the cavalry a man was provided?—I never heard any complaint of it.

4035. *Chairman*.] Did you hear whether in the Crimea the relative positions of the purveyor and the medical officers were satisfactory?—I heard statements made about the difficulties which there were between the medical department and the purveyor; but I must say that I have no recollection of ever having seen a purveyor in my life. I do not know who the purveyors were, and I do not think I ever saw a purveyor in my life; nor did I, until we got to the Crimea, ever hear of them. I heard of purveyors there, and yet I never heard what they did. In Bulgaria, when I had the independent command there of a brigade, with the horse artillery, at Yanibazar, there was no purveyor.

4036. Merely a commissariat?—No such man ever appeared as a purveyor in the brigade under my command in Bulgaria. I never heard of a man called a purveyor, and I never saw one in my life.

4037. Mr. *Peel.*] Was there any difficulty in consequence in obtaining hospital and medical stores?—The hospital medical stores had to be sent from head-quarters, from Varna.

4038. But they were provided, notwithstanding there was no surveyor?—There was such a deficiency that, as I have mentioned, I had to write to Lord Raglan on the subject, and then they were sent out from head-quarters.

4039. *Chairman.*] There is a proposition at present under consideration, for appointing civilian dispensers of medicines to regiments; does your Lordship think that that would be satisfactory to the military medical men?—I should consider it most objectionable that there should be a civilian employed in any military establishment connected with the command of a regiment.

4040. Colonel *North.*] These dispensers are at this moment with the rank of officers; 10 or 12 of them are appointed to regiments; not as assistant-surgeons; it is a sort of person between the assistant-surgeon and the hospital serjeant; probably they were not in existence when you were in the Crimea?—I never heard of them until within the last day or two.

4041. Mr. *Peel.*] By "civilian dispensers" are merely meant persons who have learnt their art while civilians?—Yes.

4042. After they have joined the army, they are as much a part of the army as others?—Yes.

4043. Colonel *North.*] Are you of opinion that such a class of officers is desirable?—I cannot conceive anything more useless or more objectionable; and I feel perfectly satisfied beforehand, that if those gentlemen are appointed to those situations with the rank of ensign, or with the rank of cornet in a cavalry regiment, they will no more give out the medicines than the assistant-surgeons will at present. The certain consequence will be, that they will hold those appointments, and that there will be some subordinate person there who will be employed to give out those medicines; because at present the surgeons are required to do it, but they do not do it.

4044. Mr. *Peel.*] Setting aside the question of rank, do not you think it is a great advantage to have a person who understands his art to make up the prescriptions of the doctors, and to dispense the medicines?—I think that any soldier or non-commissioned officer might be taught to do it in a short time quite as well as a civilian.

4045. *Chairman.*] As the plan is now in existence in the Household troops?—Yes.

4046. Colonel *Boldero.*] Your Lordship commanded a cavalry regiment for many years; did you ever meet with any difficulty with regard to finding a well-educated non-commissioned officer to be sent to the hospital as a serjeant?—I have never found any difficulty whatever.

4047. Have you heard of any difficulties in other cavalry regiments?—I never heard any mentioned in my life.

4048. *Chairman.*] Is it practically the case that the serjeants now do dispense the medicines in some cases?—Certainly.

4049. Mr. *Peel.*] Do not the assistant-surgeons in the more difficult cases make up their own medicines?—It is impossible for me to say that the assistant-surgeons do not mix up the medicines, because some of them may do so. One is never present to see it. It is generally understood that they do not do so, but that the medicines are mixed up by the hospital serjeant.

4050. Sir *Henry Davie.*] Is your Lordship aware that there is an order to the effect that surgeons and assistant-surgeons should mix up the medicines?—I am perfectly aware of that, and that they sign a certificate to that effect.

4051. Still they do not do it?—I have always understood that they do not.

4052. Mr. *Percy.*] But do not they superintend the mixing up of the medicines to a certain extent?—I should doubt the personal superintendence very much.

4053. Mr. *Peel.*] Do you think that it would be safe to sanction medicines being made up by non-commissioned officers, and men taken from the ranks?—Perfectly safe, because I am not aware that any inconvenience has ever arisen from it.

4054. Mr. *Noel.*] It is practically the case now, in many of the regiments in the Guards, that the medicines are made up by non-commissioned officers without any serious results occurring?—Yes; we will take the cavalry. Although the surgeons or the assistant-surgeons sign a document stating that they dis-

Right Hon. Earl of *Cardigan*.

20 June 1856.

pense the medicines, that they give them out, it is generally understood that they do not do so; those medicines have always been given out by a non-commissioned officer who has been appointed to the situation of hospital serjeant.

4055. Mr. *Peel*.] Must not that direction have been issued upon the idea that there was a risk in leaving medicines to be made up by these hospital serjeants and other persons; what could have been the origin of that order?—I conclude that the origin of that order was, that it was considered that the medical officer himself ought, properly speaking, to take the trouble to issue these medicines in the same way that it is the rule of the service that all officers should pay their men; but that is a duty which is not at all acted up to; it is the rule of the service that men should never be paid by anybody but by the officers; but that is not the case; it is done by the non-commissioned officers in nine regiments out of ten.

4056. Mr. *Percy*.] Knowing the characters of the men, is it not a very great advantage that you should be able to select a person in whom you can place confidence?—Knowing the characters of the men of your regiment, I think it is a very great advantage that you should be able to select a man of good character, and so on, to fill the situation in the hospital, with better pay, and greater comforts than other men have; there being probably a number of educated men in every regiment you can select; men in whom you can feel perfect confidence.

4057. *Chairman*.] You would probably say, that the soldiers would rather on the whole be nursed by their comrades, as they know them?—Decidedly.

4058. Colonel *Kingscote*.] And it is an advantage to the service to hold out these encouragements to men in the regiment?—Decidedly. The fact is that the hospital serjeantcy is a point to which a man who has conducted himself well, looks as a sort of retirement.

4059. Mr. *Bellew*.] His Royal Highness the Duke of Cambridge gave us a sketch of a plan which he thought advisable, that of sending intelligent recruits and intelligent non-commissioned officers to a general hospital to be established somewhere, for the instruction of these people as hospital serjeants and hospital orderlies, and that afterwards these same men would return to their regiment, and have all the sympathies which one soldier of a regiment has with another; would your Lordship approve of a plan of that kind?—Yes, very much. I think there is no objection to the plan, and I think that it would be very expedient that that sort of school of instruction should be established in the event of a war, or when there was any probability of a war; but I cannot think that it would be necessary in a time of peace, when each regiment has got two surgeons, that any school of that sort should be established; because it appears to me that the regimental surgeon and the assistant-surgeon are perfectly capable in a short time of teaching any non-commissioned officer his duty in the way of dispensing medicines.

4060. But your Lordship would esteem that plan much less objectionable, and better for the service than the plan of attaching men to regiments from a staff corps in a great measure independent of those regiments?—Decidedly; it is very preferable, indeed.

4061. Colonel *Kingscote*.] Does your Lordship think that the assistant-surgeons of cavalry receive pay enough?—I do not know anything about their pay.

4062. Colonel *Boldero*.] I hold in my hand the evidence of a young assistant-surgeon in the Dragoons, given to us the other day. This question was asked him, "Can you give the Committee a statement of the deductions, and of your professional income and expenditure?—Yes; the pay of an assistant-surgeon in the cavalry amounts to 155*l*. 2*s*. per annum. The compulsory expenses are as follows: Mess fund, eight days' pay, 3*l*. 8*s*.; band fund, twelve days' pay, 5*l*. 2*s*.; forage for two horses, at 8½*d*. per horse per day, 25*l*. 10*s*.; income-tax, 9*l*.; servant's wages, at 2*s*. 6*d*. a week, (that is, a servant provided from the ranks), 6*l*. 10*s*.; washing, at 1*l*. 5*s*. per month (that is a regulated charge), 15*l*." Can you confirm that statement?—I have not a doubt that those are the deductions. I am not certain about the precise items.

4063. Do not you think that it is a very difficult position to place a young man in, as assistant-surgeon in the cavalry, when he is subject to all these deductions from the pay which he now receives?—Certainly; but still I do not know that it is more unfair or more hard upon an assistant-surgeon than it is upon all the other

other ranks of the army, because they all have the same. An officer's pay will scarcely provide his uniform, or very little more.

4064. Are not these expenses much heavier in the cavalry than they would be in the infantry, in the same rank of assistant-surgeon; the difference of pay, I believe, is only 1 *s.* a day; in the cavalry an assistant-surgeon, I believe, has 1 *s.* a day more than an infantry assistant-surgeon?—The 25 *l.* seems to be a large sum for forage. I suppose in the infantry an assistant-surgeon would only have one horse and in the cavalry two; therefore that would be reduced one-half.

4065. *Chairman.*] He has not any horse?—Then that takes off 25 *l.* at once.

4066. Mr. *Peel.*] But do you consider the comparative pay of a medical officer fair and reasonable relatively to the pay of officers in other ranks?—I do not know that it is not so.

4067. Colonel *Boldero.*] I suppose you cannot give us the origin of the stoppage of 8½ *d.* a day for forage?—No; I have no knowledge of it whatever.

4068. An assistant-surgeon of cavalry, I suppose, is entitled to two horses?—Certainly.

4069. If he finds that he can do his duty with one horse, is he ever compelled to keep two?—That is an answer I can scarcely give you; I certainly never should insist upon it myself; in other regiments it may be ordered. I have no recollection of any case of the sort.

4070. Still the power exists in a commanding officer of cavalry to make an assistant-surgeon keep two horses?—Yes, but I should not think that here, on home service, it is at all likely that a commanding officer would interfere to make an assistant-surgeon keep two horses.

4071. Mr. *Noel.*] The pay of an assistant-surgeon is 7 *s.* 6 *d.* a day; taking into consideration all these deductions, do you not think that it is rather small, or would your Lordship think it sufficient?—I think the deductions are very severe and unfair; I think it is very unfair to make an assistant-surgeon pay for the forage of his horse or horses.

4072. Mr. *Bellew.*] Would you not suppose that in the case of an assistant-surgeon entering the army, who must have spent a large portion of time upon his previous education, and whose mental acquirements are supposed to be of an order, in his own department, superior to those of the ordinary run of men, if the remuneration held out to men of that kind in the junior ranks of the army were raised, it would induce a better class of men to enter our service, so far as medical acquirements go?—In answer to that question, I must say that I think that the class of men whom we get are quite sufficiently good; we do not require any better class of assistant-surgeons or surgeons; and although the pay which they may receive may be called small, and may be very unsatisfactory to them, I still think that the pay of the whole army may be classed in the same light; there is no doubt that the officers of the army are underpaid.

4073. *Chairman.*] Do you think that the present system of medical examination of recruits is satisfactory on the whole?—No; I think that it constantly happens that very defective men are passed in different quarters by the staff-surgeons, and other surgeons employed; and when once passed, no representation made has ever any effect at all; you never can get rid of these men.

4074. What remedy would you suggest, that representation should be more effectual?—That representation should be more effectual, and that when cases of that sort are represented, either an officer or officers should be appointed to inspect and report; and if a medical officer has so far transgressed as to pass these defective men, it is not for me to say what course should be taken; at any rate, he ought to be very severely reprimanded.

4075. But your objection is that the decision of this staff officer is final?—The decision of the staff officer is in most cases final; to get rid of a man who has been passed, and is defective, is the most difficult thing in the world.

4076. Colonel *Kingscote.*] Do not you think that the service would be benefited by the commanding officer and the surgeon of the regiment having the power to hold a board on a recruit when he joins a cavalry regiment, to see that he is fit?—I think that that would be very agreeable, but I could scarcely recommend it.

4077. *Chairman.*] At present, in the navy, everything is found for the sailor in hospital, and at present in the general hospitals abroad everything is found also; doses your Lordship consider that a good plan; I mean as regards body linen and clothes, as well as bedding, blankets, and hospital furniture?—No; I think

Right Hon. Earl of *Cardigan*.

20 June 1856.

think that is not desirable; I think it much better that a man should retain his own clothes of every description in hospital, except the outward garment which he wears; a kind of hospital gown.

4078. If you think so as regards general hospitals, I suppose you would think it still more applicable in the case of regimental hospitals. His Royal Highness the Duke of Cambridge drew a distinction between the regimental and the general hospital; and he thought that the plan which was adopted in the naval hospital at Haslar would be good for a general hospital, but not for a regimental one?—There could be no objection to it in a general hospital, but I do not think it would be desirable in a regimental hospital.

4079. Have you turned your attention to the present arrangements for the government of the medical officers in the army, namely, as respects the director-generalship, and the arrangements which are made in his department; has that come under your consideration at all?—No; not at all.

4080. You have not formed an opinion whether a Board would be preferable, or whether you would leave it still in the hands of one person as at present?—I should certainly say that a Board would be more fair.

4081. Mr. *Peel*.] In what respects would that be?—Because the decision of a Board is the decision of five or of seven people.

4082. Decisions upon what class of questions would you refer to a Board?—I understand the question to refer to the one subject of promotion.

4083. And stations?—Yes. It appears to me that a Board would be more fair.

4084. In the case of combatant officers of the army not belonging to the medical staff, such questions are decided by one individual; questions of their promotion are decided at the Horse Guards, upon the authority of one individual?—Yes, it is so; still the Horse Guards, you may say, is a sort of Board, because there the promotion passes through the previous investigation of the military secretary, and is regulated according to a particular form. I do not mean to say that there is any postive objection to the senior medical officer having at his disposal the dispensation of promotion, and so forth; but still it certainly strikes me, that a promotion of that description would be more fairly distributed by a Board of officers, or at the recommendation of a Board of officers. I myself think that it ought to be at the recommendation of a Board of officers, and that the promotion ought to be given by the Commander-in-Chief.

4085. Is that not the case that the promotion is given by the Commander-in-Chief upon the recommendation of the medical department of the army?—I conclude it is. I have not sufficiently studied the thing to know whether every case goes before the Commander-in-Chief. I have understood that every case of promotion in the medical department does not go before the Commander-in-Chief, but that the promotion is carried out by the head of the medical department independently.

4086. Sir *Henry Davie*.] Is your Lordship aware, that during the Peninsular war the affairs of the medical department of the army were managed by a Board, and that that was done away with, it being found not to work satisfactorily?—I am not aware of that.

4087. We have had that in evidence?—I never heard of it.

4088. Sir *John Trollope*.] With regard to a Board, do you not think it would be more satisfactory to the higher branches of the medical service that the stations to which they were appointed should come before a Board, rather than depending upon the will of an individual?—I certainly think so.

4089. Mr. *Peel*.] But you are not aware that the present practice is for the medical department of the army to submit an officer's name before promotion to the Horse Guards, and for the Horse Guards to approve or disapprove, as they may think fit?—It is certainly a subject which I have not studied or considered. But even upon being asked the question now, on the spur of the moment, I think I could almost take upon myself to say, that I would venture to assert that those recommendations are a mere matter of form, and that, unless in some very extraordinary case, which would not arise once in many years, no selection or no objection is ever made by the Commander-in-Chief here; therefore it is a mere matter of form, and therefore the promotion of the medical department is really vested in the hands of the head of the medical department.

4090. Sir *John Trollope*.] And also the stations to which they are to be appointed?—Yes.

4091. Do you not think that it would be fair as regards the higher classes of the

the medical department, namely, staff officers, first and second class surgeons, and hospital inspectors, that a roster of their stations should be kept, and that they should be taken in strict rule of turn, and not by selection?—I think there should be a strict rule of turn, unless there is any objection to a gentleman on account of some neglect of duty, or anything of that sort; and I think it would be better that even that should be decided by a Board.

4092. Mr. *Peel.*] If you concur in a single military authority deciding upon the promotion of combatant officers, and other officers of that description, what objection do you see to the head of the medical department deciding upon the case of officers of his own profession?—Because it strikes me that it is wheel within wheel. I can only answer the question in that way. Everything connected with the army ought to be, in my opinion, decided by one individual, and that is the Commander-in-Chief; but here you have an individual at the head of the army who decides upon everything connected with the army, except the medical department, where everything is decided upon by the head of that department.

4093. Not formally but virtually, perhaps?—Virtually.

4094. But it is competent for the military authority in this country, under the form which is pursued, to exercise a real authority if he pleases?—I do not think that he would ever do it, or ever act in any way, except in conformity to the opinion and the advice of the chief medical officer of the army.

4095. Is it not natural that he should defer to such an opinion?—Certainly; and I will state that I know of no instance which I would refer to where I think that anything unfair or wrong has been done; I beg to observe that. But still I do think that, upon a general view of the case, the opinion of a Board would be more fair. I know of no case of unfairness, and of no case of injustice, which has ever come to my knowledge; that I distinctly state.

4096. *Chairman.*] Is your Lordship aware, that under the existing medical military system confidential reports are made by principal medical officers of medical officers under them; that those confidential reports may contain charges against these medical officers which act as bars to their promotion, and they are never told to the individuals accused?—I am not aware of that circumstance. If those confidential reports are made, which are justifiably a bar to a man's promotion, I certainly think that there would be an additional reason for the decision of a Board of officers, it being much more fair than the decision of any one individual.

4097. This system of confidential reports is, in your opinion, an additional reason for a Board instead of an individual?—Certainly.

4098. The question of orderlies has come a great deal before this Committee, and there has been stated to be a difficulty between medical men and commanding officers on account of the diminution of the strength of the army by the number of men employed as hospital orderlies; I dare say that matter was brought before your attention in the East; you did find that an inconvenience?—I cannot say that; I do not think that there ever was a considerable number; I have no knowledge of any considerable number having been so employed.

4099. There is a plan now in operation for using an hospital staff corps instead of soldiers; has your Lordship's attention been called to that?—It has not.

4100. Do you think that, under any circumstances, it might be made available?—No; I think it is much better that the hospital orderlies should be soldiers; and that in regiments they should belong to the regiments to which the patients belong.

4101. Colonel *North.*] This corps are all enlisted men?—Yes; but they do not belong to the same regiments.

4102. Mr. *Peel.*] Do you not think that in general hospitals it is an advantage to be able to liberate the soldier-orderlies by substituting men specially trained to the treatment?—I think in general hospitals, where the men are all mixed up, it would be advisable.

4103. Are you aware whether this hospital staff corps is intended for any other hospital service than attendance in a general hospital?—I am not aware.

4104. Colonel *Boldero.*] We have the opinion of several officers capable of giving it, of the way in which the medical department in the Crimea performed their services; I should like to elicit your Lordship's opinion upon that point?—My opinion is, that they performed their services, as far as I know, with very great zeal, and very great attention.

Right Hon. Earl of *Cardigan*.

20 June 1856.

4105. *Chairman.*] We have it also in evidence before this Committee, from medical men, that the soldiers themselves evinced great fortitude and patience in the hospital; would your Lordship confirm that?—I have heard so; but I have no particular knowledge of the fact; I have no doubt of it; our soldiers always do.

4106. Colonel *Kingscote.*] Would your Lordship like to put in that letter which you spoke of as receiving from Lord Raglan, in answer to your application about the medical stores?—It is a private letter.

4107. *Chairman.*] Has your Lordship any suggestion to offer to this Committee with regard to the Order of Reference, and the subject under our investigation?—No. I understand the main point is to consider the question, whether civilians should be employed in the regimental hospitals, and whether, after having passed their education as medical men, they should receive the rank of ensign or cornet, and serve in the regiments in the capacity of dispensers of medicines.

4108. These men would be chiefly the dispensers of medicine in chemists' and druggists' shops; your Lordship has pronounced a strong opinion against that proposition?—Are they to have the rank of ensign?

4108*. Yes, that is the proposal?——

4109. Colonel *North.*] In fact, they have it at this moment?—They have.

4110. Mr. *Peel.*] This is a question which has only been incidentally raised in the course of the inquiry of this Committee; the subject of the inquiry of this Committee was to consider whether any improvement could be made in the status and pay of the Medical Department of the army?—I have no other opinion to offer, except this, that in the event of a war breaking out, there ought to be a much larger number of medical officers sent out to serve with the army, and a much larger supply of medical stores.

4111. Then if one result of having dispensers of medicines was to liberate a second assistant-surgeon from the regiments so as to be available for general service with the army in the field, you would consider that an advantage?—No, I would not consider it an advantage, because I cannot understand that, in a great nation like this, we cannot find plenty of people to undertake the situation of surgeons, principal surgeons, surgeons, or assistant-surgeons, or dispensers of medicines, or everything else. It does not appear to me that the one class interferes with the other in any way whatsoever.

4112. At the commencement of the late war a difficulty was experienced?—Having that before our eyes, the object would be to prevent that difficulty for the future, by having a sufficient amount of medical men properly educated.

4113. If that could be most efficiently done by means of the appointment of these dispensers of medicine, would your Lordship's views be met?—Yes; but I do not think that by the plan which is going to be tried it will be effected.

4114. Mr. *Percy.*] Does your Lordship consider that the dispenser ought to be put in the position of an assistant-surgeon; do you think that a man without any medical education at all should be placed in the position of a man who has received a medical education?—Certainly not, and it is less desirable still that he should be placed in the rank and situation of an officer; because with whom is he to live, and what is to become of him?

4115. Sir *John Trollope.*] Would not another difficulty arise, that these men would by degrees claim to be promoted to be assistant-surgeons, an office for which they are evidently unqualified by their education or status in any way. I presume you are of opinion that they never could or ought to rise beyond the situation of dispenser?—Never.

4116. And yet if these men had discharged their duties diligently, they would be making perpetual claims to have some further promotion, which they never could get, or ought not to get?—Certainly; I cannot understand what the difficulty is of having an increased number of assistant-surgeons.

4117. *Chairman.*] The difficulty is only a financial one?—May I ask whether these chemists, and so on, are to have ensign's pay?

Colonel *North.*] Seven and sixpence.

4118. *Chairman.*] Your Lordship thinks that whatever inconveniences may exist in the present system would be increased by such a plan as that which is now suggested?—I think so, certainly.

4119. Mr. *Peel.*] Has your Lordship any knowledge of this plan, except what you

Right Hon. Earl of *Cardigan*.

20 June 1856.

you have collected from the questions which have been put to you in this room?—And except from what I have read upon the subject, none.

4120. Colonel *Boldero*.] It appears that the Medical Department of the army have no full pay retirement; do you think that it would be for the benefit of the service, as well as beneficial to the gentlemen themselves, if after 25 or 30 years' service they were allowed to retire upon full pay?—Are they not allowed now to retire on full pay after any service?

4121. They get half-pay, but they are not allowed to retire, as every other branch of the service is, upon full pay, after a given period?—Of course it would be very advantageous to them, but I cannot say that I could give my opinion in the recommendation of it, because if one is to begin to recommend about the increase of pay, there is no saying where it will end.

4122. Do you not think that, after 25 or 30 years' service of a medical man in various colonies, his constitution has been so entirely worn out that it would be for the benefit of the army at large if he were allowed that retirement, which he would take advantage of, but as he cannot get it he remains as long as his health and strength will allow him?—I do not see, upon the question being put to me, that a medical officer would have any greater claim to those advantages than any other officer.

[*Certain documents were delivered in by Dr. Andrew Smith.*] *Vide* Appendix.

Sir *John Liddell*, M.D., C.B., called in; and Examined.

Sir *John Liddell*, M.D., C.B.

4123. *Chairman*.] WHAT is your present office?—Director-general of the Medical Department of the Navy.

4124. How long have you been Director-general?—Fourteen months.

4125. How many ranks have you in the Naval Medical Department?—Four.

4126. What are they?—Inspector of hospitals, deputy-inspector of hospitals, surgeon, and assistant-surgeon.

4127. What interval is there between the promotion to each of those ranks?—It is quite uncertain; there is no definite period.

4128. Does it rest with you?—It partly rests upon my recommendation; not entirely with me.

4129. You recommend to the Board of Admiralty?—Yes.

4130. Are your recommendations ever refused?—Yes, sometimes.

4131. Often?—No, not often. I merely recommend; the Board of Admiralty promote.

4132. Have you ever received any official communication from the Board of Admiralty, stating that, in consequence of distinguished services, they thought it desirable to promote a certain individual?—They call upon me to state my opinion of those services frequently.

4133. Then the suggestion, with regard to promotion, sometimes originates with the Board?—Yes.

4134. And they call upon you to state circumstances?—Yes.

4135. What would those circumstances be?—Meritorious medical services either in war or during sickness.

4136. How do you know the services and character of the naval medical men?—Principally by personal knowledge, by their own journals, and also by the statements of the officers of the ship, and by the professional examinations at my office.

4137. Have you any naval medical men reporting one upon another?—It would be the duty of an inspector of hospitals to report upon the conduct of the surgeons of his fleet. We have inspectors of hospitals, who have the principal medical charge of fleets, and it would be the duty of an inspector of hospitals to report upon the conduct of the junior medical officers under his direction.

4138. Where are those inspectors stationed?—There is only one now in the Black Sea. There was one also in the Baltic.

4139. Are those reports confidential?—No.

4140. If there was any complaint against a naval medical officer, would you communicate the subject of that complaint to him?—No.

4141. Then they are confidential?—So far.

4142. Do you possess now in your office statements with regard to the character

Sir *John Liddell*, M.D., C.B.

20 June 1856.

character and attainments and conduct of naval medical men, which you do not show to them?—Yes.

4143. Would those act as bars to their promotion, or as reasons against their promotion?—Yes, if unfavourable, they would to a certain extent be a bar to their promotion.

4144. But at all events they are never communicated?—They are never sent to them, unless there was anything for them to explain as to their conduct.

4145. Have you in no single case ever sent such a communication?—I do not think I ever have; the only case which has occurred to me, was that of a surgeon being tried the other day by a court-martial, and all his documents were sent to him along with his journal.

4146. But a trial by a court-martial has no reference to a confidential report?—I am speaking of the only instance in which I have ever been called upon to return any report or certificate of their services.

4147. Have you any reason to know whether the medical officers in a ship are aware that they have unfavourable reports made of them?—No.

4148. You think they are not?—I do not know that I have had any case of an unfavourable report of a medical officer by an inspector. It would depend upon circumstances whether we should call upon him to explain his conduct.

4149. Have you in the records of your office any such case?—That I cannot answer; none has occurred I think since I have been there.

4150. Who was your predecessor?—Sir William Burnett.

4151. Has he left no records?—I have no doubt there are records, if any such case ever occurred.

4152. It is not a new system?—No; we have a perfect record of all that has taken place.

4153. Have you at all changed the system?—No.

4154. The organization of the service is precisely that which Sir William Burnett left?—Yes.

4155. Have you any rule at all as to the period elapsing between the different grades of promotion?—None.

4156. What is the shortest interval which you have known?—An assistant-surgeon cannot be promoted to be a surgeon until he has served three years as assistant, and a surgeon cannot be promoted to be deputy-inspector until he has served four.

1457. That is seven?—Yes, seven. Then there is no limited period from a deputy-inspector to be inspector; he may be made an inspector the next day; indeed, there have been instances of the rank of deputy-inspector having been passed over altogether.

4158. What is the pay of the different ranks?—An assistant-surgeon's pay, when he enters the service, is 8*s.* 1*d.* a day; a surgeon's pay, on his first promotion, is 11*s.* a day, and it goes on up to 10 years, when it is 14*s.*, and it stops there till he has served 20 years, then it is 18*s.* a day, and there the rise ceases.

4159. At what period do you allow retirement?—Unconditionally, after 25 and 30 years' service.

4160. Is there any compulsory retirement?—Yes. No surgeon is employed afloat after he has attained the age of 60; and no deputy-inspector, after he has attained the age of 65; and no inspector, after he has attained the age of 70; those are compulsory.

4161. At what pereiod of life do young men generally enter the navy?—We require them to be 20, and from that to 26 years of age.

4162. What examination have they?—They are required to produce certificates of attendance on certain classes during three years, and then they are examined by me or by a board of medical officers at the Admiralty, testing their qualifications.

4163. Is the examination entirely *vivâ voce*, or is there a written examination?—Both; they are given medical questions to describe, and are examined *vivâ voce*.

4164. Do you exhibit drugs before them?—No.

4165. Do you try them at all in dissecting operations?—No; but we take the certificates as to their attendance on dissections and operations.

4166. From what hospitals or colleges do you take certificates?—From every established college in England, Scotland, or Ireland.

4167. Sir

4167. Sir *James Fergusson.*] Do you take them from Glasgow?—Yes.

4168. *Chairman.*] Do you take them from foreign hospitals?—No.

4169. Have you any difficulty in finding a supply of medical students?—Yes, there has been a great difficulty lately; but they are flowing in more rapidly now.

4170. During what period was there a difficulty?—During the late war.

4171. Not that the supply was smaller, but the demand larger?—The supply was smaller.

4172. To what reason do you attribute that?—There was a prejudice against the service; there was a great deal written upon it in the public prints, and there was a difficulty also from there being a more limited number studying medicine.

4173. Sir *John Trollope.*] Have the medical officers of the navy any allowances beyond their bare pay. Under any circumstances are they found in victualling or messing?—On board ship they are victualled, not messed.

4174. Entirely free of charge?—Entirely free of charge; they have merely the ship's provisions; their rations are the same as those of the seamen.

4175. You are aware that, under all circumstances, military medical officers are compelled to find their own provisions?—Yes.

4176. Then a medical officer of the lowest grade in the navy has higher pay than in the army, and also under some circumstances, when on board ship, he has victuals?—In all cases he has victuals, but not in all cases higher pay; on the contrary, he has less, during a certain period of his service.

4177. Do not the assistant-surgeons in the navy receive higher pay than the assistant-surgeons in the army?—On their first appointment they do; but it is only 13*d.* a day more; but when they become surgeons they have less, because a surgeon in the army can obtain 1 *l.* 3 *s.* 8 *d.*, and the highest pay afloat for a surgeon in the navy is 18*s.*

4178. Are the surgeons and assistant-surgeons who are employed in your hospitals chosen from the body generally?—Yes.

4179. They are entirely medical naval officers employed at those hospitals?—Entirely.

4180. Have you ever had the civil element mixed up at all in your service?—Never.

4181. Mr. *Noel.*] Do you say that retirement is compulsory after 30 years' service?—After 30 years' service as a surgeon he has leave to retire, but is compelled when 60 years of age.

4182. Do they then retire on full pay or half-pay?—They have a retirement pay, after 30 years, of 15 *s.* a day; after 25, of 13 *s.* a day.

4183. *Chairman.*] What number of medical men have you to a three-decker?—One surgeon and three assistants should be the number.

4184. Will you give the numbers for the smaller ships?—A three-decker in all probability has about 1,000 men, and there are one surgeon and two or three assistants; a two-decker, with about 800 men, has one surgeon and two assistants; a large frigate has the same; 500 I think is her complement; then a smaller frigate has one surgeon and one assistant, and a brig or sloop the same; sloops of war have between 100 and 165 men. We always appoint an assistant if we can, in addition to the surgeon, to all classes of ships except the smallest, such as cutters, and there we have an assistant-surgeon.

4185. Colonel *Boldero.*] Is it a fact that the higher branches in your service have less pay than in the army?—Yes.

4186. The assistant-surgeons have had their pay recently increased?—Yes, on their first admission.

4187. That has only been in the last twelvemonth?—About the last year and a half.

4188. Do you think that the increase had anything to do with the paucity of candidates which you had?—No, I do not think that pay had anything to do with the difficulty of obtaining assistant-surgeons; it arose entirely from the position assigned them on board ship.

4189. Mr. *Percy.*] Are steam-ships classed in the same manner?—Yes; it depends upon the crew.

4190. Not upon the class of vessel, but upon the number of the crew?—Yes.

4191. *Chairman.*] And that is a satisfactory arrangement, you think?—I think so.

Sir *John Liddell*, M.D., C.B.

20 June 1856.

4192. Do you find the number of accidents greater in a steam-ship than in a sailing vessel?—No.

4193. Smaller?—I do not think it makes much difference; the sickness, perhaps, is greater in steam-vessels than in sailing vessels, particularly in warm climates.

4194. That sickness includes the stokers?—Yes.

4195. How are your medical men supplied with drugs?—They are supplied from Apothecaries' Hall, on demands by me.

4196. When a ship is commissioned?—Yes.

4197. Are there supplies at Malta and Gibraltar?—At all our foreign establishments there are large supplies, but at Gibraltar there is no naval medical depôt.

4198. Which are served out upon the requisition of the medical officer?—Yes; the storekeepers are required to keep up their supply of medicine according to the number of ships on the station, after a regular scale.

4199. Who is in charge of those stores at Malta?—Dr. Munro, the medical storekeeper.

4200. Are there medical storekeepers at all the stations of the British fleet?—Yes.

4201. Are those medical storekeepers obliged to supply medicines on the requisition of the chief medical officer?—Yes.

4202. On the arrival of a fleet in the harbour of Malta, would the medical man of each ship make his requisition, or must they go through the senior medical officer of the fleet?—It goes direct to the hospital.

4203. He has the power of requisition?—Yes.

4204. Is that ever cut down?—Never; there is a regular scale of medicines; of course, in an extraordinary instance, there may be an addition; but it is very much confined to that scale, which is found sufficient on ordinary occasions.

4205. The medical officer on board the ship would be able to procure a supply on his own responsibility?—He must state his reasons before he demands extra medicines, which is only done in extraordinary cases.

4206. In the event of an epidemic breaking out?—There would be then no limit to the quantity of medicine which he would get immediately, without going through anybody.

4207. Then, in fact, the medical storekeeper has no power to refuse the requisition?—None.

4208. Or to supply a cheaper medicine instead of a dearer one?—In no case is he permitted to get cheap medicines; in the ordinary service the medical officer would not be allowed a larger quantity of medicine than the scale permits.

4209. We have had a statement here regarding the articles found for sailors at Haslar Hospital; is the same arrangement in existence at Malta?—The same arrangement exists throughout the whole of our naval hospitals.

4210. And throughout the fleet?—Yes, the system is uniform.

4211. Colonel *Boldero.*] Are the qualifications of the candidates for your service higher or lower than in the army?—I think they are very much the same.

4212. Mr. *Noel.*] Does your promotion always go by seniority?—Partly by seniority and partly by selection.

4213. From assistant-surgeon to surgeon?—Yes. If there is a case of equal merit the senior will get it in preference.

4214. Sir *John Trollope.*] Is that matter at your disposal entirely?—No, it is merely at my recommendation.

4215. You recommend it to the Board of Admiralty?—Yes.

4216. Sir *Henry Davie.*] Are no promotions made without your recommendation?—Seldom; there are instances in which the Admiralty promote without reference to me.

4217. Sir *John Trollope.*] Do you select all the medical officers for particular services, and appoint them to ships about to sail on foreign service?—Yes, I am called upon to select, but the Admiralty appoint.

4218. They are invariably selected by yourself?—Invariably.

4219. *Chairman.*] Do you remove men from one ship to another?—Yes, I recommend their removal.

4220. Have they the power of exchange?—Yes, but it must be sanctioned.

4221. Is that frequent?—Not very.

4222. Is

4222. Is it uniformly conceded on your part when they wish it?—No, there must be some reason shown. If two officers wish to exchange their ships and there is no reason against the change, it is always permitted.

4223. In whose hands are the appointments to Haslar?—The Admiralty.

4224. On your recommendation?—Yes.

4225. Have you ever been refused in recommending a naval surgeon to Haslar?—Never to Haslar.

4226. Mr. *Percy*.] How do you arrange about the leave?—There is considerable leave allowed every year; six weeks is considered the period.

4227. On foreign stations?—In our establishments abroad they are allowed to come home on a considerable period of leave.

4228. Do you then send out another officer?—No; the duty is performed by the next officer.

4229. That would reduce the number in the ship?—I am only speaking of a naval establishment on shore; it scarcely ever happens in the case of a ship. If there was any special reason for an officer wishing to have leave, another would be sent out to take his place. The chief officer in command has not the power of giving him leave to come home, unless under special circumstances.

4230. When a ship is discharged, does the medical officer get leave as a matter of course?—Not at all as a matter of course. If the ship is paid off, he is put on half-pay, or he may be appointed to another ship.

4231. *Chairman*.] The appointment rests with the Admiralty, on your recommendation?—Yes, generally.

4232. It may be immediate?—It may be immediate.

4233. You may transfer him without his coming ashore?—Yes, he may be transferred.

4234. Is that generally the case?—It is very seldom that we have occasion, when another ship is commissioned, to take him; but there is no objection to it, if thought proper.

4235. When a ship is put out of commission, may you transfer him to another ship?—Yes, he may be appointed immediately

4236. Do you ever do that without leave having been given to the medical officer in the interim?—Yes.

4237. You have been obliged to do so in the late war?—Yes.

4238. Is that an exceptional case?—Yes. We generally give him a period of leave for recreation when coming from abroad, but the wants of the service lately have been so pressing that it has been done in many instances without leave at all.

4239. Have you any period of probation before the medical officers go afloat?—They are called acting assistant-surgeons for the first 12 months.

4240. Where do they remain then?—They are the same as if they were confirmed, with this distinction, that the Admiralty may dismiss them at the end of 12 months, if their conduct unfits them for the naval service.

4241. The young army surgeons have a probationary period at Chatham; have you any similar system in the navy?—No. We sometimes send them to a naval hospital for a period, but we generally prefer sending them to a ship at once.

4242. Do you send them alone?—No.

4243. To a large ship generally?—Yes. If we can manage it, we generally have an old assistant, or two old assistants, with a junior, attached to a ship.

4244. Sir *John Trollope*.] Then, in fact, your appointment becomes a direct one, and not a probationary one, in most instances?—It is only probationary for the first 12 months in the case of an assistant-surgeon; all the others are fixed.

4245. When there are numbers of these young gentlemen first appointed, have you employment for them at home at naval hospitals?—Yes.

4246. What other hospitals have you besides Haslar?—Plymouth, Chatham, Woolwich, Deal, Yarmouth, and Haulbowline; and at the different foreign stations.

4247. Do not you think that unless their services were immediately required, it would be a good thing to send them to those hospitals to test their capabilities for the service?—We have done so, but I think it much better to send them to sea at once. There is nothing peculiar in the duty at our naval hospitals different from that of other hospitals to which they have been accustomed.

Sir *John Liddell*, M.D., C.B.

20 June 1856

4248. Still, after sending a young gentleman of that sort afloat, should you feel yourself justified in dispensing with his services?—Yes; at the end of 12 months. A certificate is required, and if he has discharged his duties satisfactorily, he is then put upon the establishment of the navy, from the time he may have entered the service.

4249. Are the surgeons or assistant-surgeons under very strict rules on board ship, with regard to their reports to the captain of the ship?—Yes; they present their sick lists every morning.

4250. They report daily?—Yes; a written statement of the number of people on the sick list is given to the captain every morning.

4251. You have no system of stoppages from the pay of sick men, I think?—None, from seamen in service.

4252. The whole amount of their pay is accounted for to the men whether they are sick or at their duty?—Yes.

4253. Colonel *Boldero.*] Marines and all?—Marines who come from ships. Those at head-quarters have stoppages the same as in the army; but every marine coming to a home naval hospital from a ship has the full 28 days' pay, at the end of which it is stopped, but a seaman's pay goes on until he is invalided. This does not apply to a foreign hospital, where no stoppage of pay is made.

4254. Are the marine hospitals under your charge?—Yes.

4255. At Chatham and Woolwich?—Yes.

4256. Supposing that a line-of-battle ship is paid off to-morrow, with a surgeon and assistant surgeon, how long do they remain on half-pay?—Just now, not above a month or two.

4257. Your officers never remain abroad more than three or four years, do they?—That is the usual period for a ship's commission.

4258. Do you think that that is an advantage to them?—I think so.

4259. It gives them an opportunity of seeing different climes, and being made acquainted with diseases in different parts of the world?—I think it a very great advantage.

4260. Mr. *Noel.*] Have you a roster for service?—No.

4261. It is discretionary with you to re-appoint the same officers when a ship is paid off, leaving others on half-pay?—Yes; I recommend; it is very difficult keep a roster in the navy.

4262. *Chairman.*] Do the commanding officers of vessels report to you on the conduct of their medical men?—They would report to the Admiralty in special cases, but certificates of service are sent to me by medical officers, periodically, signed by their commanding officers.

4263. Which report would probably be referred to you?—Yes, it would be sent to me.

4264. For opinion?—For record more than opinion.

4265. If there was an unfavourable report it would be sent to you?—Some reports upon medical officers sent to the Admiralty are sent to me for record, but not for opinion.

4266. Sir *John Trollope.*] How should you deal with a case of this kind, where an unfavourable report upon a medical officer was sent to you, but not sufficient to bring him to a court-martial; should you employ that officer again, or would he remain upon the retired list?—If he was totally disqualified for a situation, I should recommend him to be placed on permanent half-pay, and we have many such cases.

4267. For causes which you think sufficient to prevent their employment?—Yes; either mental or bodily incapacity for the duties of the office.

4268. *Chairman.*] In a three-decker, does the surgeon report to you officially on the conduct of the two assistant-surgeons under him?—He is required to give a certificate to those persons at the end of the year. The assistant as well as the surgeon has to keep a report of the treatment he adopts on board ship, and at the end of the year the surgeon is required to furnish a certificate to his assistant, and if he had any ground of complaint against him, it would be sent to me.

4269. The granting of a certificate would be a proof that he had no ground of complaint against him?—Yes; he transmits the certificate himself.

4270. Can you hand in to the Committee the form of that certificate?—I can.

[*The same was delivered in, and is as follows:*]

Sir *John Liddell*, M.D., C.B.

20 June 1856.

CIRCULAR, No 241.

Admiralty, 10 March 1856.

(*Certificate of the Service, Conduct, and Character of all Ranks of Officers.*)

WITH the view of establishing one description of certificate for general use in Her Majesty's service, my Lords Commissioners of the Admiralty are pleased to direct that the under-mentioned form of the service, conduct, and character of all ranks of officers shall henceforth be adopted.

Dated

THIS IS TO CERTIFY that Mr. has served as . on board Her Majesty's under my command, from the day of 18 to the day of 18 during which period he has conducted himself*

Captain,
H. M. S.

* Here the Captain is to insert in his own handwriting the conduct of the officer, including the fact of his sobriety, if deserving of it.

By Command of their Lordships.

R. Osborne.

To all Commanders-in-Chief, Captains, Commanders, and Commanding Officers of Her Majesty's Ships and Vessels.

THIS IS TO CERTIFY that Mr. served as assistant-surgeon on board this ship from the to the date hereof, during which time he has conducted himself according to the general printed instructions. He is furnished with the usual set of surgical instruments, which are complete and in good order,

Given under my hand, on board H. M. S. this 185 .

4271. Have you any good-service pensions?—None.

4272. Do you think that that would be desirable?—Very; it is the only corps, I believe, that has not.

4273. Colonel *Boldero.*] Are the pensions for your widows upon a proper basis?—The scale has been improved; but it is not yet equal to the army.

4274. *Chairman.*] What are the most lucrative situations in your department next to your own?—Inspectors of hospitals.

4275. They are all paid the same?—Yes; their pay increases by service. Their first pay is about 575*l.* year, and it then advances after five years to two guineas a day.

4276. Their pay has no reference to the part of the world they are in?—None whatever.

4277. Mr. *Percy.*] How many inspectors of hospitals are there altogether?—Six in active service. There are two at Haslar, and two deputy-inspectors; that is the largest hospital. There is one inspector at Plymouth, and one deputy-inspector.

4278. *Chairman.*] What are the arrangements for entrance to your Naval Lunatic Asylum at Haslar?—The conditions are that the men must belong to the navy, and be mad.

4279. Are they kept there always?—Yes.

4280. Do you ever send a lunatic sailor to his county asylum, or pass him to his parish?—Never.

4281. Is every sailor who becomes a lunatic in the service of Her Majesty taken into that hospital?—Every one.

4282. And kept there till he dies?—Yes, or recovers.

4283. Sir *John Hanmer.*] Does he often recover?—Occasionally; not very often; as often as in other lunatic asylums; it is a rare thing.

4284. I thought that they recovered quickly, if they were sent soon?—Those

Sir *John Liddell*, M.D., C.B.

20 June 1856.

who have had their madness brought on by intemperance frequently recover; but they are always suspicious characters afterwards.

4285. *Chairman.*] What are the arrangements as to officers?—In the same way. All officers in the navy are admitted to Haslar.

4286. Colonel *Boldero.*] Without charge?—No. Those sent from ships, from full pay, are admitted without charge for 12 months, and then 1 *s.* 6 *d.* a day is deducted from their half-pay for the expense of their provisions; those who come from half-pay have the same deduction made from the date of admission, the residue of half-pay being paid to their families.

4287. Sir *John Trollope.*] Are you speaking of officers in the Lunatic department?—Yes.

4288. You also receive officers for medical treatment?—Yes; they are all under the same circumstances. A certain proportion of officers on half-pay can be admitted to the naval hospitals, on paying a small sum for provisions. If sent from a ship they pay nothing.

4289. What is the number, altogether, which you can accommodate?—About 1,000 at Haslar.

4290. And how many quarters have you for officers?—I think about 100.

4291. *Chairman.*] What are your present numbers?—Somewhere about 600, including the Lunatic Asylum.

4292. How many are in the Lunatic Asylum?—About 130.

4293. Mr. *Percy.*] You have a hospital at Deal?—Yes.

4294. Have you any patients there?—Yes.

4295. How many?—Twenty. We had 100. We have no seamen at Yarmouth.

4296. Is that given up?—No, we still hold it; we are holding it for the army.

4297. *Chairman.*] What is the system of medical inspection in your department of recruits who join the naval service; you have an inspection of a sailor?—Yes.

4298. What is it?—As to his bodily fitness.

4299. By whom is it?—The surgeon of the ship.

4300. Is his decision final?—Yes. If there was any dispute about it, the case might be referred to me. On the admission of a seaman into the navy, the surgeon's decision is final as to his bodily fitness.

4301. Then has the commanding officer of the ship any power to reject a man whom the surgeon has approved?—Yes. He might be bodily qualified and yet morally become disqualified.

4302. As far as regards bodily qualifications, could the captain say, "This man is not strong enough," and could the medical officer say, "He is"?—Yes.

4303. And then the commanding officer's decision would overrule that of the medical officer?—Yes.

4304. Colonel *Boldero.*] Does that often happen?—Not very often; I think it often happens the other way, that the captain admits and the surgeon rejects.

4305. Mr. *Percy.*] On board ship, who are employed to make up medicines?—On board ship the assistant-surgeon makes up the medicines; there is a separate man as a dispensary assistant at naval hospitals.

4306. Mr. *Bellew.*] What rank has he?—None, I think.

4307. Sir *John Trollope.*] Is he a civilian?—Yes.

4308. *Chairman.*] What arrangements are there for hospital orderlies or nurses on board ship?—There are two men called sick-berthmen; there are none established in small vessels; and in the event of sickness occuring, they get assistance from the crew.

4309. With the consent of the captain commanding?—Yes.

4310. Colonel *Boldero.*] Are they not chiefly marines?—No, chiefly the messmates of the sick.

4311. And all the servants are marines?—No.

Lunæ, 23° die Junii, 1856.

MEMBERS PRESENT.

Mr. Stafford.	Sir Henry Davie.
Mr. Bellew.	Mr. Percy.
Sir John Trollope.	Mr. Noel.
Colonel Kingscote.	Mr. Peel.
Colonel Boldero.	Sir James Fergusson.
Colonel North.	

AUGUSTUS STAFFORD, Esq., in the Chair.

Major-General Sir *Richard Airey*, K.C.B., Quartermaster-General, called in; and Examined.

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

4312. *Chairman.*] WILL you state your present position in the army?—I am at present Quartermaster-General to the Forces.

4313. Will you state what services you have seen in the army; have you been always on the staff, or sometimes regimentally employed?—I was educated at the junior department of the Royal Military College, from whence I obtained my commission, by passing through the examinations, without purchase; and I was subsequently at the senior department of the Royal Military College, and obtained a first-class certificate. I have been through all the regimental ranks, serving with them regimentally.

4314. Colonel *Kingscote.*] How long did you command a regiment?—I commanded a regiment continuously from 1835 to 1847, twelve years. I was seven or eight years, at least, of that on foreign service. I commanded a regiment on different foreign stations. I was five years military secretary to a Commander-in-Chief abroad. I have been Assistant Adjutant-general, and Assistant Quartermaster-general at the Horse Guards; I was Military Secretary at the Horse Guards. I commanded a Brigade and a Division in the Field with the army in the East. I was Quartermaster-general to the army in the East; and finally, my present appointment of Quartermaster-general to the Forces.

4315. During that period of long and varied service, your attention has probably been called frequently to the present state of the military medical department?—Certainly.

4316. Do you think that the relative position of the military medical officers is at present satisfactory, or would you wish that the medical body should be made a purely military one?—I am decidedly against the introduction of any civil element in our military organisation.

4317. Do you think that medical officers should ever have any military command?—Most certainly not.

4318. You think they have, as a body, military authority sufficient?—Quite so.

4319. Do you think it is desirable that military medical officers should sit, according to their rank, upon courts-martial, and upon courts of inquiry?—I think that no medical officer ought to sit upon a court-martial. If we admit that it is inexpedient that medical officers should exercise military attributes independently of their medical profession, I think it necessarily follows that it is inexpedient that they should be put on courts-martial, because, of course, they are not acquainted with military details and discipline, the habits of soldiers, and so forth.

4320. Sir *Henry Davie.*] Your answer would go to this: that upon no occasion whatever should they be eligible to sit upon courts-martial?—Certainly it would be better not.

4321. But are there not cases in which it is absolutely necessary, from the want of other officers, to put medical officers upon courts-martial?—I have never myself known a medical officer put upon a court-martial, and I should think it very inexpedient that he should be. The fact is, it is done for the purpose of obtaining a quorum, but it is not with any view to have the advantage of his

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

opinion; he must be influenced entirely by the opinion of others. It is provided for in the Mutiny Act, in cases beyond the seas, and under particular circumstances of mutiny on board ship, and so forth.

4322. *Chairman.*] Do you think it would be advisable that in courts of inquiry, military boards, and things of that sort, the medical officers should be called to attend more as witnesses than as members of the court?—Generally speaking, I should say, Yes; but I have no objection to medical officers sitting on Boards which are frequently required upon matters on which their opinion may be very useful. We have them continually sitting on Boards to examine ships, to examine localities for encampment, and to examine into questions that arise in camp where a medical opinion is very desirable.

4323. Sir *Henry Davie.*] We have it in evidence that they sit upon Boards for the examination of meat that may be submitted to them, and one of their grievances, as I understand it, is, that they have not their proper position defined upon those Boards; that they are put at the bottom of the list, though, in fact, they are senior in rank, and perhaps in choice of quarters to the officers that sit above them; do you think that it would be better that, instead of being members of such a Board, they should be examined as witnesses before it?—There are a great many instances in which the opinion of a medical officer would be very valuable as a member of the Board. Rank might easily be defined.

4324. *Chairman.*] Do you think, as far as your own observation goes, that it has been too difficult for medical officers to obtain leave of absence?—Yes; I think that that difficulty does exist, and it would be very desirable if it could, to a certaint extent, be removed; but it is very difficult. I do not know that in the whole course of my own practice I have ever received an application for leave of absence from a surgeon which could not be granted; I do not know whether it is that surgeons of regiments make the regiment more their home, and establish themselves completely there; but it has been a rare thing with me for officers of the medical department to ask for leave of absence.

4325. Colonel *North.*] What they complain of is, that when a surgeon does get leave of absence, he is obliged to pay out of his own pocket a civilian who does the duty for him in his absence; do you think that is a hardship?—I think that is a hardship.

4326. Sir *John Trollope.*] Is it the fact that the surgeons do not ask for leave, being well aware that it cannot be granted unless they recompense some person for doing the duty?—They may be influenced by that; a paymaster is under the same category; he is obliged to provide for his deputy in the same way.

4327. In the case of a paymaster, cannot an officer of the regiment do his duties in his absence?—Yes; but he is paid by the paymaster.

4328. Supposing another person is willing to undertake the duties during the time, is there a power in the commanding officer to give him permission to do so?—No; he must go to the Secretary-at-War. The Paymaster is entirely the Secretary-at-War's officer; his securities are lodged with the Secretary-at-War; therefore he must have the sanction of the Secretary-at-War also for deputing the person who is to do the duty for him.

4329. *Chairman.*] Do you think that the system of hospital orderlies is satisfactory at present?—No. In the first place, I do not think there are enough of them; in regiments it is very frequently a question of discussion between the surgeon and the commanding officer, to get either enough orderlies, or particular orderlies; a commanding officer, anxious for the appearance of his regiment, and so forth, is reluctant to give a man who is selected by the surgeon; he is also desirous of not giving more than he can possibly help; he is desirous of keeping his ranks as full as possible.

4330. Are you aware of the number that had leave of absence from the army in the East as orderlies at one time?—No, I am not, at present, because it was not within my department as Quartermaster-general; it is a detail that I can obtain very easily; I suppose that those that were employed one way or the other in the hospitals, and for the sick, must have amounted to 3,000 or 4,000 men.

4331. What remedy would you suggest?—I should propose having a corps in order to supply them, which corps should be drawn from the ranks of the army; I would send men from the regiment up to the regimental hospital to be trained for a certain time, till they got a certificate from the surgeon, that they would answer for the hospital corps, and having obtained that certificate, after trial,

trial, I should then replace them in the ranks by enlistment; but I should never wish to see the orderlies part of the effective strength of the regiment.

4332. Would you make every hospital orderly enter the army as a soldier first?—Yes.

4333. What would be the length of time you would require him to serve as a soldier before he became an hospital orderly?—I should just let him go through all his primary instruction as a young soldier for a matter of three months, and at the expiration of that time, if he chose to volunteer for this corps, he might be passed into the hospital for training; and if his intelligence, his education, and his steadiness proved to be such that the surgeon of the regiment chose to certify subsequently to the commanding officer that he was fit to be retained for the hospital corps, then the commanding officer would be entitled to enlist another man in his place.

4334. Sir *Henry Davie*.] Suppose he was to misconduct himself in the hospital; would you restore him to the ranks as a private soldier?—Yes, that would be the tie upon him; he would enlist for general service, with the advantage of being transferred to the hospital corps.

4335. *Chairman*.] You would make the pay of the hospital orderlies superior to that of the privates, so as to make it an object of attraction?—Certainly; he would have very important duties to carry out.

4336. You would make it entirely a military body?—Entirely a military corps.

4337. Mr. *Bellew*.] Are we to understand that, although this corps would not be on the strength of the regiment, yet they would be under the discipline, and perfectly under the control of the colonel of the regiment?—Certainly.

4338. Sir *Henry Davie*.] The number of orderlies varies in a regiment according to the number of the sick?—The number of orderlies varies in a regiment according to the number of the sick. Generally speaking, in common cases, there is one orderly for every 10 men; but the nature of the disorders which may be prevalent at the station, and the state of the hospital, and various other circumstances, sometimes render it absolutely necessary to increase it. I myself in Ireland had to increase them very much indeed; and in Canada, during the cholera, they were exceedingly increased also.

4339. You would have a certain number of those men attached to every regiment that goes on service, to be employed more or less according as circumstances required?—If this corps was established, I should have a certain fixed number attached to each regiment; and in the event of any extraordinary prevalence of disease that required an additional number, then additional ones might be recruited again from the ranks if the central general depôt could not afford to send additional orderlies.

4340. Sir *John Trollope*.] Would you still continue the body called the Medical Staff Corps?—Yes, I should make these detachments to regiments a component part of it.

4341. It is your opinion that those men and all others attached to the army should be under military discipline, and subject to the Mutiny Act?—Most Certainly.

4342. Have you had any opportunity of seeing any other body that have not been soldiers attached to the army in the East?—We got a few men when the army was on the *plateau* before Sebastopol.

4343. Are you alluding to the Army Works Corps?—No; some Croatian labourers; foreigners.

4344. Had you much difficulty with them?—The great difficulty was the language.

4345. Was their discipline insufficient also?—We had not much trouble with their discipline, because they did not drink; they never got drunk; but a great many of them disliked touching a Christian.

4346. They were Moslems, then?—Yes, they were Turks; Croatians.

4347. Had you charge at Varna of the Ambulance Corps?—No; I was not Quartermaster-general at Varna. I got the remnant of the Ambulance Corps after I was in the Crimea.

4348. Were those pensioners subject to military discipline?—Yes.

4349. But had you great difficulties with them?—They were a positive incumbrance; they were worse than useless.

4350. *Chairman*.] They were a complete failure?—They were. In my own instance,

Major-General Sir *It. Airey*, K.C.B.

23 June 1856.

instance, when I was commanding the Light Division in Bulgaria, on the point of marching I had to send in to head quarters a great many sick from the corps, and I had to send to head quarters for ambulance waggons. In one instance the sick were obliged to get out themselves, and drive the waggon, and put the drunken drivers inside; and in another instance, after waiting for a very long time, till about eight or nine o'clock at night, I was obliged to send a picquet of the 23d regiment to meet them, and to bring them in, because they were reported to me to be lying drunk at the side of the road two or three miles off; and when the officer of the picket came up to them, he found those fellows all drunk, and the horses grazing by the side of the road, not running away, the thing was too heavy and cumbersome for that. That was the state of the corps.

4351. Mr. *Percy.*] Were those Croatians?—No; they were Englishmen—pensioners.

4352. *Chairman.*] Is that a fair specimen of the conduct of the whole body?—I think quite so. After I got to the Crimea, I am not sure that I ever visited a tent of the Ambulance Corps in which I did not find those pensioners drunk; besides which, the whole thing in principle was exceedingly faulty. You select a strong-armed nurse to carry a child; but these pensioners were old, weakly men, who had the greatest difficulty in carrying themselves, and they could be of no use to the wounded men; they had not strength to assist them.

4353. Sir *John Trollope.*] Was it altogether a very ill-selected and injudiciously chosen body?—Yes, in principle, it was ill contrived in every respect.

4354. Would it have been possible, in your judgment, to have obtained better men from the general body of pensioners?—I imagine they selected the best they could. The fact is this, by the time a soldier is eligible for a pension, he is pretty well worn out.

4355. *Chairman.*] Were the medical arrangements in the East upon the whole satisfactory?—No; they were a constant subject of complaint and difficulty.

4356. In what way?—There was a great want of organisation; there was a deficiency of medicines, and there was a great difficulty in obtaining medical comforts, and great want of ease in the working of details.

4357. Sir *Henry Davie.*] Up to what period are you speaking of?—All through the Bulgarian campaign. I think the army suffered as much during the great heats, and from the cholera during their descent into Bulgaria, as they did in the Crimea, on that score.

4358. Sir *John Trollope.*] Did you find that deficiency of medicines and medical stores at that time in Bulgaria?—Very much. I was in command of the advanced part of the army, the light division; we had been quartered at Devno, in the first instance; then we got the cholera, and we were obliged to make a sudden move, and we went to a place a few miles off, called Monastir, about twenty-five miles from Varna, and there we were in great difficulty.

4359. Were the medical stores that you had landed regimentally with the regiment, or was there a depôt for them at Varna?—There was a depôt for them at Varna, and every regiment had its own supply on arrival with it, and every division had a limited supply with the purveyor.

4360. Had the regiments with them more than their panniers?—Only their panniers.

4361. How many panniers had each regiment?—Only one pair of panniers.

4362. A mule load?—A mule load.

4363. The contents of those panniers are exceedingly small?—Yes; but they are sufficient for ordinary occasions; they are sufficient when we have a depôt close by to replenish them; but we suffered greatly from the difficulty of transport, and the difficulty of replenishing those panniers when they became exhausted.

4364. Was that the case at Devno and at Monastir?—It was.

4365. The depôt being at Varna, and the regiments having only their panniers with them?—Yes; and having only those pack ponies, there was such a want of transport, that on our making a requisition at Varna we were obliged to send in those pack-ponies with the panniers to be filled; but the difficulty then was solely from want of transport, not deficiency of medicine.

4366. How many days' march was it there and back?—It was 35 miles. In that weather it was sometimes three days before we got the medicines which we wanted.

4367. Sir *James Fergusson.*] Did that difficulty occur with the divisions at Aladeen?—Yes.

4368. *Chairman.*]

4368. *Chairman.*] Did you make any official remonstrances upon the subject?—Yes.

4369. To whom?—They were made to the military secretary.

4370. Can you state of what nature they were?—Just stating that a requisition had been sent in for medicines on such a day, and that we had been so many days without them.

4371. You stated that the medical men had applied, and applied in vain?—Yes.

4372. And that you did on the recommendation of the medical officer himself?—Yes, the principal medical officer of my own division.

4373. Do you know the interval between his first application for medicines, and his stating to you that his application has been unsuccessful?—He made his representation to me directly he found that the medicines applied for had not arrived.

4374. Sir *John Trollope.*] Are you aware of the dates of the arrival of the medicines at Scutari that were consigned under the direction of the director-general?—No, I cannot speak to that at this moment.

4375. Was not it the fact that they were consigned to Scutari, not direct to Varna?—I have no knowledge of that; that did not come under my notice.

4376. Did there come under your notice the great length of time that elapsed between the first consignment of the medicines, and their arrival for the relief of the army?—No; all that I knew was the great difficulty of obtaining medicines. I was not in a position to know these details.

4377. And that the army was kept short of supplies?—Always short.

4378. Was that the case after you landed in the Crimea?—Yes.

4379. For what length of time?—I should say till the spring of 1855.

4380. Then after you had gone through the miseries of the campaign of 1854-55, you began to be better supplied with medicines?—Yes.

4381. Throughout the whole of that most disastrous winter the army was short of medicines?—Yes.

4382. And of medical comforts also?—Yes.

4383. *Chairman.*] Do you blame the medical men at all for that?—Certainly not in the least.

4384. You are satisfied that they were energetic in making applications for medicines and medical comforts?—Certainly, extremely so.

4385. Sir *John Trollope.*] Then the blame must rest with the authorities at home in not sending out sufficient supplies?—I think very often a vessel arrived which had had her cargo put on board in such a hurry that there was great difficulty in knowing what was on board the ship.

4386. Mr. *Peel.*] Was there an equal deficiency at Scutari as in the Crimea?—I do not know at Scutari; I was not at Scutari.

4387. Sir *James Fergusson.*] Was it not the custom in the early part of the campaign to cut down the requisitions that were sent in by the regimental officers?—Yes; it was frequently understood that the requisitions could not be complied with in full.

4388. Was it not said that it was the custom of the superior medical officers, when a requisition was sent in, to cross out a portion of it?—It frequently happened that we did not receive the requisition in full.

4389. But that was not necessarily on account of the shortness of the supply?—I only suppose it was from the want of medicines.

4390. *Chairman.*] You never heard a complaint of a requisition being cut down?—Not for the sake of cutting it down; but I always imagined that it was because they were short of supplies.

4391. Sir *Henry Davie.*] Is not it possible that there may have been a sufficient supply of things at Varna and at Sebastopol, and that still there may have been great difficulty in getting them to the front?—We suffered from want of transport all through the whole war.

4392. *Chairman.*] Was it your opinion that the medical men throughout exerted themselves as much as they could?—Most particularly; I do not think it is possible that there could have been a more energetic, anxious, or active class of men in the world than they were.

4393. You think from their conduct, that any representations they have to make should be treated with respect?—Certainly.

4394. Mr. *Bellew.*] We have understood that it is proposed to attach to each

Sir *R. Airey*, K.C.B.

23 June 1856.

regiment men belonging to the hospital staff corps, and that in case of illness, incompetency, or misconduct, they would be sent back to that staff corps, and not into the ranks as the present hospital orderlies are; do you think that such an arrangement would tend to the good of the service?—No; I think that it would be more beneficial that they should be sent back into the ranks.

4395. Sir *James Fergusson.*] You are opposed to men being employed as orderlies who are not disciplined as soldiers?—I think every hospital orderly ought to go through the gradation of a soldier, and that he should be ready to turn out from the hospital in case of misconduct, and take his place at once in the ranks.

4396. *Chairman.*] There is a plan of introducing into the army, as dispensers, people who have been educated at druggists' shops; has that come under your attention?—Yes; I have considered the subject.

4397. What is your opinion of it?—I have no objection to it provided they are attested, and come in as soldiers.

4398. *Chairman.*] What rank?—I should give them non-commissioned officers, first class.

4399. You would let them commence with that?—I think their advancement must be by years' service, and by rate of pay; I do not think they ought to have any advancement of rank unless you make them first and second class; it is not a class that I would bring forward as commissioned officers; I would let them come in the classification of non-commissioned officers, and give them an increase of pay after seven, ten, fifteen, and twenty years' service.

4400. Mr. *Noel.*] You do not approve of their coming in as commissioned officers in the first instance?—No; I am opposed to their being commissioned officers at all.

4401. Mr. *Bellew.*] Do you think that the duty could be performed by non-commissioned officers taken from the regiments?—Equally well.

4402. *Chairman.*] Are you aware of the system at present existing in the hospitals of the household troops?—Yes.

4403. Do you think that that works well?—Yes.

4404. Do you see any difficulty in the extension of that system to the rest of the army?—None.

4405. Would it, in your opinion, be better to give any boons that are to be given, to soldiers than to civilians?—Certainly.

4406. Mr. *Bellew.*] Are you aware that there is at present in some regiments, a class called Medical Dispensers, a class of gentlemen who have the rank and pay of assistant-surgeon, but who have been taken from large apothecaries' shops in London; and that it is proposed that those gentlemen should hold commissions, and should have the privilege, if they choose to avail themselves of it, of dining at the mess?—I am opposed to that.

4407. Do you find that that exists in the service?—No, I do not know any regiment where that exists, and it must be a very recent thing.

4408. *Chairman.*] Have you had much experience of the system of organisation amongst the purveyors?—I was in constant communication with the principal purveyor of the army and with the purveyors of divisions.

4409. Do you think that his position, with reference to the medical officers, is a satisfactory arrangement?—I never heard any complaint.

4410. Did you find them clash?—No.

4411. You think that the arrangement was sufficiently definite for the working of both departments?—I think so; I never found any interruption or difficulty about it.

4412. Do you know anything of the French hospitals?—Yes.

4413. Do you think that they were upon the whole, better or worse, or equal to ours?—What we suffered from was want of hands; but our regimental system is certainly very superior indeed to theirs. General Lamoricière frequently spoke to me with great admiration of ours.

4414. You mean the system of regimental hospitals wherever it is practicable?—Yes.

4415. You think that is superior to the system of general hospitals?—Very much.

4416. Will you state why?—The hospital surgeon and assistant-surgeons, and the hospital serjeants and regimental orderlies are all identified with, and are actually men of the regiment. They consider it as their home, and when a man

of

of the regiment is ill, they regard him as one of themselves, and he is attended to under that feeling. The whole thing is very different, and much more delicate and careful than the attendance is in a general hospital.

4417. You find that a soldier would rather be in his own regimental hospital than in a general hospital?—Always; I have frequently seen soldiers in the general hospital, when I went round to pay them visits; and if you asked them if they wanted anything, they said, "Get me back to my own hospital, sir, and to my own doctor."

4418. It was not that there was any inattention on the part of the doctor of the general hospital?—No, it was only that there was a sort of home feeling attached to lying with his own comrades, and under his own medical men.

4419. Sir *James Fergusson.*] Do you recommend the system of divisional hospitals in addition to regimental hospitals?—In some instances you must have a divisional hospital in order to put away your superabundant sick.

4420. Do you think that a divisional hospital is preferable to a general one?—I think so.

4421. *Chairman.*] Did you ever hear any expression from French officers with regard to the comparative merits of the two systems?—Frequently; I was in the habit of mixing very much with French officers; I was in constant correspondence with all the superior officers, and through them very much with the others. It is an extraordinary thing that the French always spoke of our medical arrangements in terms of great admiration; they saw that we were short-handed; they saw perfectly well what pinched; but with regard to the system they admired it very much.

4422. You do not now speak of the head organization at home, but of the hospital system as exhibited in the army?—In the army.

4423. They saw that its imperfect working was owing to our being short-handed, and not to any vicious system?—Yes.

4424. Colonel *Boldero.*] Did the position of the French medical department, as regards pay and rank, come under your notice?—No; I am not acquainted with it.

4425. You do not know what their relative rank and pay is, as compared with the rest of the army?—No.

4426. *Chairman.*] Do you think that there are any features in the French system which we could adopt into our own, and improve it thereby?—The only thing that I thought was superior to our arrangement was the conveyance of the sick; but that has since been remedied. When we first took the field, we had really no decent spring carriage for conveying the sick or wounded men; we had no *cacolets*; we had no *litières*; and we had no men accustomed to animals to lead them or to drive them. Now, when we have a man who has got a gun-shot wound through his thigh-bone, or anything that affects him very much, his ease and comfort, and almost his life depends very much upon the way in which a man leads the mule that is carrying him upon the *litière*, or the *cacolet*; our men know nothing about leading those animals; they were incumbered with the care of their own things, which, if they had lost sight of they would probably never have seen again. The man probably had never led an animal in his life before, and he held him up by his head and never let him pick his way, and the poor men suffered very much indeed.

4427. Sir *Henry Davie.*] After the Alma, did the men suffer very much for want of conveyance?—After the Alma the wounded men were carried almost entirely upon stretchers by the seamen; it was not above a mile and a half or two miles from the beach; they were carried upon litters. We had no *cacolets* at the Alma; when we did obtain *cacolets* we were obliged to borrow them from the French.

4428. From the nature of the Crimean campaign the wounded had never to be carried any great distance?—They were carried sometimes a good way from the front to Balaklava. For the second division, in the way they were compelled to go round after the Russians took up their position on the heights, it must have been eight or nine miles.

4429. If the army had had to take the field in the Crimea after the 8th of September, I presume it was then provided with everything that was necessary?—Yes; I suppose we had 8,000 or 10,000 animals of transport.

4430. Mr. *Bellew.*] Do you know what rank the head of the French medical department holds?—I think he is a brigadier-general, the same as ours.

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

4431. Did the question ever come under your consideration with regard to the army medical department, whether it would be desirable to place it under an officer of high rank?—Yes, I am quite for giving medical officers relative rank with officers of the army; I think there would be no objection in doing that; they would each work within their own sphere; it would be quite understood by the medical department that their rank was merely relative, and that they had nothing to do with the military command.

4432. You think that would be acceptable to the medical officers themselves?—Certainly.

4433. And of advantage to the army?—Yes. In my own opinion I should carry it to the utmost extent, and give them honour and promotion, and everything else.

4434. *Chairman.*] With regard to the pay of the medical officers, do you think that is sufficient at present?—No, I think not, particularly of the junior ranks. I think the pay ought to be such as to induce a man to adopt the military line instead of being only either driven to it, or taking it as a boy, thinking that he shall become half a soldier by it. I think the pay of the medical branch of the profession ought to be such as not to make him, when he is in quarters, look to a civil practitioner with a sort of envy on account of the difference in their relative positions; perhaps their ability being equal on both sides.

4435. Do you think that that is the case now?—I do believe that that is the case. I have seen a man in a town like Northampton in the receipt of two or three or more thousands a year, and the surgeon of a regiment, an equally well qualified man, receiving his 15*s.* a day, or whatever the pay of a surgeon is.

4436. Mr. *Percy.*] Has not he opportunities of private practice?—He has opportunities of private practice, but there is a great deal of feeling about that in the profession. I have known many medical officers in the army who attended private patients, but they would not take any fees. There is a little feeling about it; and also, if a man takes to private practice, he necessarily to a certain extent may be supposed to neglect his military practice.

4437. Sir *John Trollope.*] Is there any general order upon the subject of private practice?—I am not aware.

4438. Is it understood that an army surgeon is allowed to take private practice?—I am not aware; I do not think he is precluded from it.

4439. Is not it sometimes the case that an army surgeon, without engaging in private practice, is called in by his professional brethren to give an opinion in particular cases?—Very frequently.

4440. In those cases have you ever known them take remuneration for so doing?—I never have.

4441. They have given their services as a matter of professional interest?—Yes; and also they feel it a sort of compliment, independently of philanthropic feeling.

4442. Are you aware that army surgeons labour under considerable difficulty in that respect, as compared with their brethren in the East India Company's service?—Yes.

4443. And therefore the Company's service is much more sought after?—It is much preferred. In fact, in the case of a medical man of any character, his fortune is made if he goes to India.

4444. There is consequently great interest made to obtain appointments in the East India Company's service, and now they have become objects of severe competition?—Yes.

4445. The East India Company is receiving applicants with the highest testimonials of character and qualifications?—Yes.

4446. Does not that tend rather to repress the competition for army medical appointments in the Queen's service?—Certainly.

4447. Do you think it exceedingly desirable that the army medical profession should be put on a higher status if possible, so as to enable them to compete with their more fortunate brethren in the East India Company's service?—Certainly. I think nothing could be more unwise than lowering the medical military profession to such an extent that it is not sought after as the primary one.

4448. Do not you think it would be of advantage to the army, as well as to the public generally, that higher scientific attainments should be sought after in the appointment of army surgeons?—Certainly.

4449. *Chairman.*] Do you think that the proportion of medical men is sufficient

cient to each regiment?—I think a regiment of infantry requires a surgeon, and two assistant-surgeons with the service companies, and an assistant-surgeon with its reserve, whatever that may be.

4450. And how many for the cavalry?—For the cavalry one assistant-surgeon less.

4451. Do you think it desirable that a surgeon or assistant-surgeon should be always in attendance with the cavalry on mounted parade?—Certainly; whenever the men are mounted, there ought to be a surgeon.

4452. Mr. *Bellew.*] When you say, "For the cavalry one assistant-surgeon less," you mean that the cavalry ought to have one surgeon, and two assistant-surgeons?—Yes.

4453. Would that be sufficient to provide for detachments?—I should say that in these times, when cavalry are so much detached, it would be impossible to put a medical officer with every detachment. It ought to be the duty of one medical officer to be continually going round, and visiting those detachments of the army under civil practitioners. Because I have seen myself continually that when a company of infantry, or a troop of cavalry, is detached to out-quarters, and a civil practitioner is induced to come and attend them, he is allowed a very small sum for his attendance; I forget what it is, $1\frac{1}{2}d$ a man above 50, or something of that sort. He just views it as so much additional money to his regular practice, and his visiting the detachment of men is a very secondary part of his avocations. If he is a man whose opinion is really of value, it is very difficult for him to attend to it at all, with his calls elsewhere all over the country. Therefore, it generally comes into the hands of a young man who goes at certain times, and makes a cursory visit, but pays very little attention to the men. And when they are visited by the regimental surgeon, he generally finds it necessary to move the sick men into the regimental hospital.

4454. Colonel *North.*] Before the breaking out of the war, was not great inconvenience found from there being so few medical officers attached, only one surgeon, and one assistant-surgeon to each regiment?—We had two assistant-surgeons in the infantry. There were a surgeon and an assistant-surgeon with the service companies, and an assistant-surgeon with the depôt; and upon the breaking out of the war one assistant-surgeon was added to every regiment.

4455. *Chairman.*] Do you think that the appointment of civilians to be the heads of the civil hospitals was a hardship upon the army medical officers?—It was a subject of constant animadversion by the military surgeons.

4456. As far as you are able to judge, were those animadversions well founded?—Those gentlemen, of course, had left their own practice, which might have been very lucrative and very advantageous; and it was absolutely necessary to give them a high rate of salary; but that rate of salary was so out of comparison with the regimental pay of military medical men, that they could not help looking at it with a certain feeling of invidiousness.

4457. You mean that the complaint was not only that their pay was so excessive as compared with their own, but that the circumstance of the head presidency of those hospitals being given to civilians, prevented the army medical men from having an opportunity of distinguishing themselves?—Precisely. Besides that, there was a degree of ease in the working of details given to the civil hospitals which never was extended to the military hospitals.

4458. Was more confidence placed in the medical men?—I do not know whether more confidence, but they were selected from a body of men who were more or less considered as volunteers, and the country was grateful to them for accepting those situations; but there was a remarkable difference in the positions of the civil medical gentlemen as compared with the heads of the military hospitals; they got an adequate salary; they got very good lodgings; they got three meals a day, and wine, and everything that could be desired.

4459. Mr. *Bellew.*] Are you aware that the heads of the Renkioi Hospital and of the Smyrna Hospital were respectively, the one an assistant-surgeon in the army, and the other an assistant-surgeon in the navy?—Yes, I heard that.

4460. *Chairman.*] Have you any communication with the medical department officially?—Yes.

4461. Will you state what the nature of that communication is?—For instance, the army is now expected from the Crimea, and there will be a considerable influx of sick. The Director-general represents to me that he will require

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

additional accommodation for that influx of sick, which I represent to the Minister for War.

4462. Colonel *North.*] It appears that we have no lunatic asylum for soldiers; that they are sent to county asylums and to different places; do you think it would be advisable to have lunatic asylums purely for the army?—Yes; it would be only what is right.

4463. *Chairman.*] To put them on the same footing with the navy?—Yes.

4464. Colonel *Boldero.*] Perhaps, now that the war is over, you will get back your establishment at Yarmouth, so as to avoid putting the country to any unnecessary expense?—Yes; if the navy are ready to give it up.

4465. You are building hospitals in two or three parts of England?—Yes.

4466. Will they embrace accommodation for lunatics or not?—I have not heard that.

4467. *Chairman.*] You do not intend to continue the casemate at Fort Pitt for the reception of lunatics?—No, I believe not. But those are questions upon which the Medical Department are better informed.

4468. Do you think that the relative positions of the Medical Department and of the War Office are satisfactory?—I think now they are. The relations between them are much more direct than they formerly were; and I have not individually seen any inconvenience from the working of the system at present.

4469. Has your attention been called to the organisation of the Medical Department?—Yes.

4470. Do you think it would be desirable to substitute a Board for the present office of Director-general?—No. I think the working of the department was impeded by the constitution of Boards.

4471. You think that was because the principle of a Board was bad, and not merely because the Board was not well constituted?—No; I think experience has shown that the principle of a Board is a false principle.

4472. There has been a suggestion made that the Director-general should have a military secretary, an officer of some rank; do you think that that would be a good plan?—I think it very possible that it would be an assistance to him.

4473. Will you state in what way?—Such an officer would be perfectly conversant with all military details, and he would be able to advise the Director-general, and he often would not only simplify matters, but render some correspondence unnecessary.

4474. Would you have him nominated by the Director-general?—Certainly.

4475. And dismissible by him?—Yes; if he either found him incompetent, or found that he did not answer. I think a great deal of harm arises from an officer being forced into confidence or juxta-position with a superior officer totally differing from him in his views. He must be a sort of *alter ego* of his chief.

4476. Mr. *Percy.*] Did I rightly understand you to say that the head of the hospital at Smyrna was a retired officer in the army?—I have heard that both of those officers were retired officers in the army or navy.

4477. Do you know the name of the officer at Smyrna?—No; they did not come under me at all; they were entirely under the Minister for War.

4478. Was not Dr. Myer the head of the hospital at Smyrna?—I never had any communication with him.

4479. You are not aware that Dr. Myer had never been in the army or navy?—No. What I stated was merely the conversation of the medical officers in the camp; it was a sore subject; they were continually drawing comparisons between themselves and the civilians.

4480. Mr. *Bellew.*] Those establishments were a sore subject with them altogether?—Always.

4481. Mr. *Percy.*] You said that you thought that the status of the army medical officers should be raised; in what manner would you propose to do that?—I think that their rank might be positively defined, and the pay might be increased, and the period of service necessary to retirement might be shortened.

4482. Mr. *Bellew.*] Do you think that 21 years of service would not be too short a period of service, considering that those medical men have to fit themselves for their profession, and cannot enter so young as other officers?—No, I think not. If 30 years' service is required for retirement on full pay, I think that is very long service. Many a man is induced to hold on the last four or five

five years, merely to get a high rate of pension, when perhaps he feels himself that he is failing physically and mentally; and it is very disadvantageous to the service.

4483. *Chairman.*] You are aware of the great difference between confidential military reports and confidential medical reports?—I never heard of the confidential medical reports.

4484. When reports are made against executive military officers, are they always informed of them?—What is called the confidential report is given to the general officer who inspects the regiment; that report is sent up to the head quarters, to the Adjutant-general at the Horse Guards; and when any officer is mentioned, either in approval or disapproval, communication is made to the commanding officer of the regiment.

4485. Is it in the discretion of the commanding officer of a regiment to communicate the matter to the officer in question?—It is quite within his discretion. I should think that no officer would be mentioned detrimentally in an officer's confidential report without his telling him, "I shall be obliged to make a remark with regard to you, you have been so neglectful of your duty."

4486. Mr. *Bellew.*] Do you think it would be possible that the promotion of a regimental officer should be stopped by his being mentioned in a confidential report without that officer being aware of the fact?—I do not think it would be possible.

4487. *Chairman.*] In Question 357, the Director-general is asked, "There may be charges brought against medical officers who are perfectly guiltless, but which may stand as bars to their promotion, and which charges they may never hear of?" He says, "There might be such, but I do not think there are such." Do you think that could be the case among regimental officers?—No; that is not the case among regimental officers. When I was Assistant Adjutant-general at the Horse Guards, it was my province to cull the substance of those confidential reports, and to bring them before the notice of the Duke of Wellington; reports either in favour of a particular officer, or against a particular officer. Upon receiving that information, he always said, "Communicate with the commanding officer of that officer." It constantly happened. I have seen instances in my own regiment where, in consequence, an officer was called upon to be more attentive to his duties in future, or, on the contrary, approbation was expressed.

4488. Colonel *Boldero.*] With regard to stoppages from soldiers in hospital, do you think that a distinction should be made between a married man and an unmarried one?—No; I am opposed to making any difference between married men and single men.

4489. If a man has a wife and five or six children, and the husband comes home from the Crimea severely wounded, and goes into the hospital at Chatham, the wife having to maintain the children, would not you make a distinction in his favour?—It is very hard, certainly; but if we do otherwise, we are blowing hot and cold, because we do everything we can to dissuade the soldier from marrying; and therefore the more you add to his comfort as a married man in any way you are removing obstacles or giving facilities for his doing that which you wish him to avoid.

4490. Suppose he is a man who has married with the consent of his commanding officer; would you make a distinction in that case in his favour?—No, I should not make any distinction; a soldier must take the penalty with his action, whatever it may be; but I am opposed to the system of hospital stoppages altogether; I think they are far too high.

4491. If the stoppage is confined to the rations alone, would that be sufficient?—I think that would be quite sufficient, and a more wholesome principle.

4492. Mr. *Bellew.*] And the amount of the stoppage would be influenced by the price of the ration at the soldier's quarters?—We have got over that difficulty by paying a certain sum every day; I think that is the best plan.

4493. Sir *Henry Davie.*] Do you think that the doing away with the stoppages might not have the effect of making an idle soldier sometimes rather desirous of going into the hospital without sufficient reason for it?—No; I think that is rather an ungenerous principle to act upon; I think the medical officer of the regiment ought to be able to distinguish between a suffering man and a malingerer; after all, if even one or two escape, that is better than drawing the cord too tight; soldiers look forward so little, that I do not think this question affects

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

affects them much; if a soldier is a malingerer, it is to shirk his duty, to get rid of his parades and his duty.

4494. Sir *James Fergusson.*] Do you think that five years would be too short as the maximum of an assistant-surgeon's service before his promotion?—No, I do not think so; I think five years very fair.

4495. Do you think it is too long a period for the minimum of the service for promotion?—Yes.

4496. Colonel *North.*] It appears that the medical officers in the Crimean army were allowed forage for their horses, but were not allowed men to look after them; and not being able to get any civil servants, they were obliged in some instances even to take their horses to water themselves; do you not think that if they are allowed to keep horses, they should also have bâtmen, the same as others?—I recollect quite well how that originated; we had the greatest difficulty in getting the number of men up for the war, and it was decided that we could not afford to take men out of the ranks, and to give them as servants to all the medical department; it was agreed that they must find their own servants.

4497. Sir *John Trollope.*] And you made them an allowance for that purpose?—Yes, subsequently.

4498. What was that allowance?—One shilling and sixpence a day, I think, at first; afterwards it was increased to 3*s.*, and it extended to other classes, because the clergymen that were attached to the army were in a most desperate state; they had no servants at all; they did everything for themselves; they watered their horses, they washed their own clothes, and cooked for themselves, and did everything else; they were compelled to do it, because the ranks of the army were so thin, that we could not afford to give them men. We were fighting for our own existence, and every musket was of value.

4499. Sir *James Fergusson.*] Had the regimental officers the usual number of bâtmen allowed?—Not always.

4500. Mr. *Percy.*] Do you consider that a surgeon should have the relative rank of field officers, after a certain number of years' service?—Yes.

4501. And that they should participate in honours from which they are now excluded?—Yes.

4502. *Chairman.*] It has been stated in evidence before the Committee, that at the naval hospital at Haslar everything is found for the sick, including body linen, clothes, as well as bed furniture, and eating and drinking utensils; do you think it desirable that the soldier should be put on a similar footing in the regimental and general hospitals?—I think it very desirable that there should be complete hospital suits, and that everything belonging to the soldier should be withdrawn; all his own clothes should be withdrawn, and he should be supplied with a complete hospital suit, and in the meantime his regimental clothing should be put in perfect order for him against he goes out, and then be delivered over to him.

4503. Colonel *Kingscote.*] Would you extend that to regimental hospitals?—Yes.

4504. Do you think that system could be carried on, on foreign service?—No, it is only in permanent hospitals that this is applicable.

4505. Mr. *Percy.*] Do you approve of the hospital stoppages from men wounded in action?—No; I think that all men who are laid up in hospital by the accidents of war, ought to be there free.

4506. Colonel *North.*] Do you think it is desirable that in the new hospitals about to be built there should be officers' quarters for those who are obliged to take advantage of them, in consequence of returning home sick and wounded?—Yes.

4507. And do you think that upon all occasions medicines should be supplied to soldiers and officers free of all expense, no matter what the expense of the medicine may be?—Certainly.

4508. *Chairman.*] Do you think it desirable that military surgeons and assistant-surgeons should be mentioned favourably in general despatches?—Yes; I think if a medical officer behaves meritoriously it is due to him that he should be mentioned. A medical officer sometimes is compelled to be under fire, and just as much in danger of his life as anybody else, and frequently has the power of being of very great service to the soldiers; and I think it is only due to those officers that they should have the advantage of it.

4509. Sir *John Trollope.*] Are you aware that in the Crimean campaign, when the medical officers' names were mentioned more than once by the divisional officers in command of the army, their names were subsequently omitted in the despatches sent home?—Yes, I believe they were.

4510. Are you aware under what circumstances that was done?—It was merely because that had not hitherto been the practice. It was considered sufficient to bring them under the notice of the Commander-in-chief.

4511. It was considered that the recommendation of the divisional officer was to the commander of the forces there, and not to the authorities at home?—Yes.

4512. It was not done in any with a view to depreciate or put them in the back-ground?—Not in the least. It was merely that it was considered to be according to form.

4513. Sir *Henry Davie.*] How would you propose to reward medical officers mentioned in general orders for meritorious services?—Generally, that is all that is required; that sort of distinction becomes a testimonial for future promotion.

4514. According to the present system of promotion, entirely by seniority, would there be any means by decoration, or in any other way, to reward those officers?—Yes; I see no objection to decorating medical officers of certain ranks; they should be of certain ranks, because if you make the thing very common, you depreciate its value.

4515. No officer in our service can receive the Bath under the rank of a field officer?—No.

4516. According to that, a surgeon would not be eligible for the Bath, ranking only as a captain?—No, not if he only ranks as a captain; but the senior surgeon of the regiment ranks as a major.

4517. *Chairman.*] Do you think that the present system of the examination of recruits is as satisfactory as can be?—Yes; I should say, from what I have seen myself, that it is so; of course it depends upon whether it is an attentive medical officer or not, but the examination which I have seen has been generally perfectly satisfactory; I have certainly seen instances where men have been sent in from the recruiting districts who have afterwards not been passed by their own regimental surgeon; but those are singular exceptions.

4518. Colonel *North.*] You had numerous opportunities, both in Bulgaria and in the Crimea, of seeing the state in which officers often left the army in impaired and shattered health; now this certificate has been brought under our consideration, which is obliged to be signed by two medical officers upon an officer wishing to sell out: "We do hereby certify to have carefully examined such an officer, who states he is so many years of age, and are of opinion that he does not labour under impaired constitution, threatening earlier dissolution than a person of that age in the common course of nature may expect." Do you think that that is a certificate which a medical officer should be called upon to sign in such cases?—That certificate is a protection for the War Office, which has the money, to protect it against men selling out upon their death-beds.

4519. But is not it hard to call upon a military medical officer to sign such a paper?—I think they perfectly understand what it means, that the officer really is not upon his death-bed. I am afraid it is a necessary check.

4520. *Chairman.*] Do you think that advancement in the army medical department should be strictly by seniority?—No; I think it ought to be very much by selection.

4521. Sir *James Fergusson.*] Would you allow the Director-general to use his own discretion in the selection, or would you have him confer with the Commander-in-chief in all cases?—He should confer with the Commander-in-chief. Of course the Director-general would give his reasons as to the qualifications of the person: but I think everything of that sort should be subject to the Commander-in-chief.

4522. Sir *John Trollope.*] But if it be by selection, would you leave it, for instance, to an individual like the Director-general?—Yes, if that individual has such qualifications, and is a man of such character, as to be fit to be placed in that position, I think you may entrust him with that discretion.

4523. Would it not place the Director-general in an invidious position with regard to the officers in the department generally?—Whenever the principle of selection is adopted, that difficulty always arises.

Major-General Sir *R. Airey*, K.C.B.

23 June 1856.

4524. Would it not be more palatable to the service if the selection were made by a Board rather than by an individual?—I do not know that it would.

4525. At all events there would be a division of responsibility; would it not be more agreeable to the profession to have their claims considered by a Board rather than by an individual?—I think, individually, I should rather look to one head than to three.

4526. Sir *Henry Davie.*] Are not the officers in the army entirely dependent upon one individual for promotion?—They are dependent entirely upon one individual, the Commander-in-chief.

4527. Do you think that that fact creates any dissatisfaction in the army generally?—No, I do not.

4528. Sir *John Trollope.*] But it is not often done by selection in the army?—Promotion is not by selection, but the appointments are. All the appointments to commands are by selection.

4529. Sir *Henry Davie.*] And all staff appointments?—All staff appointments are by selection.

4530. Do not those necessarily lead to promotion?—No, they do not necessarily lead to promotion.

4531. If an officer with the rank of Lieutenant-Colonel is put upon the staff abroad or at home, does not he necessarily get his rank of full Colonel at the end of three years?—He does; but then he gets his rank also as commanding his regiment; it is the same thing.

4532. But those would be purely cases of selection?—Yes.

4533. *Chairman.*] Have you any suggestion to offer to the Committee with regard to the subject-matter of our inquiry?—No, nothing beyond the desirableness of establishing an hospital corps, in all its ramifications and branches, very perfectly, and particularly an ambulance corps for the transport of the sick.

4534. On the same military principles?—On the same military principles.

4535. Mr. *Percy.*] Are you aware whether anything of the kind is in contemplation?—No, I do not know.

4536. Mr. *Bellew.*] Would you have a regimental ambulance corps of a certain number?—If you had a regular ambulance corps, a detachment of that corps would be attached to each division, and then distributed and divided amongst the regiments and brigades composing the division, so that any one part detached would go off complete, and have within itself the means of conveying its own sick and wounded men. That would be a question of organization.

4537. You would put those men in the ambulance corps on the same footing as the attendants in the hospital, under military discipline?—Yes, but they would get an increased rate of pay, because men employed in that way would have very important and critical duties to perform. We had many of those ambulance-corps men killed at the siege of Sebastopol. They have to pass under fire. Then I would recommend the establishment of a military lunatic asylum, and the officers being taken into military hospitals.

4538. *Chairman.*] That would be on the same footing as the navy?—Yes.

4539. Mr. *Percy.*] Have you anything to suggest with regard to the supply of medicines in the field?—No, nothing; but there should be no sort of limitation to hospital comforts. That has been the great difficulty hitherto; a regimental surgeon was afraid of incurring any responsibility, or acting at all upon his own responsibility with regard to hospital comforts. I know when I was commanding a division, the senior medical officer was afraid of buying a fowl in the village; at least he was afraid of putting it into his account.

4540. Mr. *Bellew.*] That arose from the orders of the superior officer?—Yes. They are too strict; the economical principle is stretched too far.

4541. Sir *John Trollope.*] Do not you think it would be very advisable for regimental medical officers, in certain cases, to have some power given to them to obtain necessary medical comforts on their own responsibility; for example, in the case of the army in the East, were there not many occasions on which things could have been procured in the bazaars in Constantinople, which they could not get through the purveyor?—Yes, constantly; but that difficulty has been all removed; ultimately the regimental medical officer might have purchased anything that he liked.

4542. *Chairman.*] But that was not till after a good deal of sickness and mortality?—Yes; it was not so originally.

Andrew Smith, Esq., M. D., called in; and further Examined.

4543. Mr. *Peel.*] YOU propose to add something to the information you have already given to the Committee?—Yes; I wish to make a few observations on certain points.

4544. Have you read the evidence that has been given by other witnesses that have been examined since you were examined?—I have.

4545. Does it occur to you that you could give information to the Committee that would throw light upon the matters that are contained in that evidence?—My attention has been simply directed to it with a view to my answers. I think there are certain points that I did not answer sufficiently fully to enable the Committee to form a correct appreciation of the state of certain points.

4546. *Chairman.*] Are the omissions which you wish to supply omissions as to matters of fact or matters of opinion?—As to matters of fact, not matters of opinion.

4547. You are aware that the resolution of the Committee is, that any further evidence on your part be confined strictly to matters of fact?—Yes; I am going to speak to matters of fact. First, with regard to promotion. Promotion, I stated, was regulated partly by seniority and partly by selection. In that respect I stated quite rightly, but I did not branch out into certain modifications that affect particularly seniority. Seniority acts in two ways. First, seniority is applied in some cases to the whole department. In other instances seniority operates specially on a special station or in a special command abroad. For instance, if a staff surgeon of the first class wishes to retire from the service, having completed 30 years, his vacancy would require to be filled up. In that case regard would be had to the whole body of surgeons everywhere, and the surgeon to succeed him would be the one that was senior, wherever he might be.

4548. Would it have reference to colonial stations as well as to home stations?—Yes. Then the second kind of seniority, local seniority, has reference purely to home stations or foreign commands. When a death vacancy arises in a command, the senior officer of the grade immediately below gets the promotion in that case without any reference to the general seniority of the service. In that way it occasionally happens that a very junior surgeon is made staff surgeon of the first class when there are a great many senior surgeons serving elsewhere; and that is one point which is frequently complained of, in respect of which I have been accused of not having acted fairly. I act upon the existing regulations. I have no power to alter those regulations.

4549. Where are those regulations?—They are regulations that have been communicated from time to time in letters, and which have been acted upon for the last 40 years.

4550. Are they all drawn up in a code?—No.

4551. Have you them in a volume?—No.

4552. Are they in manuscript?—They are in letters extending over 40 years. I am so well acquainted with them, that I never have occasion to refer to the letters.

4553. You speak of those arrangements as being matters of rule; can you put the Committee in possession of those rules in any codified form?—I do not know that I could. I know that many of those arrangements were made by the late Duke of York and Sir James M'Grigor, at the time he assumed the superintendence of the medical department of the army, and others have appeared in letters. This has been the generally understood practice of the service ever since I knew the service, which is 40 years.

4554. In the memorial of the assistant-surgeons in the Crimea they state that promotion appears at the present time to be conducted on no definite plan, and not to be regulated as it should be by the consideration of merits, seniority, or service in the field. Now you state that there are rules for your guidance as to the promotion of medical men, but that those rules have never been seen by those medical men themselves?—No; I do not think that any medical officer in the department has seen the rules, because the rules do not exist as a code. The rules existed during the time that Sir James M'Grigor was the head of the department. I learnt them from my practice with Sir James M'Grigor. I was with him five years, and I have followed them continuously ever since.

 4555. Therefore,

A. Smith, Esq., M.D.

23 June 1856.

4555. Therefore, in answer to this memorial, you state that there are rules, but that you are not able to show the gentlemen who signed this memorial those rules in print, so as to enable them to judge whether they are followed or not?—No, certainly not.

4556. Colonel *Boldero.*] You have acted by the practice of the service more than the rules of the service?—By what has been practised and acknowledged as the rules of the service in reference to promotions in the medical department.

4557. But your roster is of no value if you deviate from the roster just as you like; do you keep a roster of the names of the officers who are unemployed?—We have none unemployed.

4558. Do you keep a roster of the names of the officers who are employed?—Yes.

4559. Suppose a vacancy occurs at the Cape of Good Hope station, the first on the list would like to go there?—Yes.

4560. But you may take the fifth?—I may take the fifth, provided it was not a death vacancy; if it is a death vacancy, I must take the senior in the command, whether he is the fifth, or the tenth, or the twentieth.

4561. You are aware that before the Ordnance Medical Department was amalgamated with your own, there was an inspector stationed at Woolwich, who kept a roster of every medical officer belonging to the Artillery; accordingly on that roster they knew exactly how they all stood; and if a vacancy occurred anywhere, the senior was invariably sent; was not that the case?—It was, for going on service abroad. It is the same in the Medical Department in the army. The man longest at home, unless in special cases, where the longest at home cannot well be dispensed with, is invariably ordered. At the present moment, for instance, there are eight or ten medical officers at home; they have been a considerable time at home; and, in anticipation of the arrival of the medical officers from the Crimea, I have warned all those eight men to be ready for foreign service; and I shall send them according to the length of time that each has been at home, so that the one that has been longest at home will go first, and the one that has been next longest, next, and so on, till they are exhausted. The roster is invariably observed, but it is a roster kept of men's service at home.

4562. *Chairman.*] Have you completely organised the arrangements for the consolidation of the Ordnance Medical Department with your own?—They were arranged about three or four months ago.

4563. We had a witness on the 13th of June, who stated that they were not finally arranged; how do you explain that?—I read that answer, but I did not understand it. I think that he alluded to this, that when the two bodies were to be amalgamated, the medical officers of the Ordnance objected to be liable to be promoted into the Line—they wished to continue serving in the Artillery; and there was for a long time a doubt about that, until those out in the Crimea saw that they were suffering very much, and that they were not obtaining promotion, while many men in the Line, juniors to them, were obtaining promotion. Still they stood out for having the Artillery considered a separate corps; but at last they have applied to be considered on the same footing as medical officers of the Line, and to be promoted either in the Artillery or the Line, according as the case might be. Since that they have been treated in every respect similarly to the officers of the Line.

4564. When the War Office and the Ordnance Office were consolidated, was not it found that the medical officers of the Ordnance protested against being merged in that office?—They did; and that created a difficulty.

4565. Subsequently they have seen reason to change their opinion?—Certainly. They found that they did not get promotion so quickly as the medical officers of the Line, and therefore they gave up the right they had acquired, and wished to be considered on the same footing as the officers of the Line; and lately they have been considered as on the same footing as officers of the Line.

4566. That came before you as an official communication from them?—Yes.

4567. Have you that?—I have various letters.

4568. Have you any distinct document embodying that wish?—No; the only document is the first, when they raised the objection. The question was put to me whether there would be any difficulty in carrying out their proposition; my reply was, that I saw no difficulty at all; that they would only have promotion in

in a small circle, instead of having promotion in a large one; I stated that I saw no difficulty in it, and their wish was conceded to them, to be regarded as medical officers purely of the artillery, and entitled to promotion only when vacancies occurred in the artillery medical department; as I said before, subsequently to that, they found the disadvantage of this system, and they have from time to time applied to have it changed; and when a complete amalgamation took place about three or four months ago with Sir Hugh Ross, we drew up an establishment of medical officers for the artillery, and it was then understood that the artillery medical officers would be regarded as on the same footing as the line medical officers, and that promotion would be given without any reference to that particular branch.

4569. Have you any further point that you wish to bring before the Committee with reference to promotion?—Yes. There are certain things with reference to promotion which are spoken of as hardships which are not hardships at all. There are certain positions in which medical officers place themselves that put a bar to their further promotion. Those positions I know have been spoken of as unfair, and officers have said that they have been passed over. I have been told of instances of their having been passed over after they had agreed that by taking that position they were not to expect further promotion. I wish the Committee to understand that that is the case with cavalry surgeons. Cavalry surgeons have, as compared with infantry surgeons, a sinecure of it. They have always home service, at least generally, with the exception of three or four regiments that occasionally are in India. And it was considered a hardship that those cavalry surgeons should serve perhaps 24 or 25 years comfortably at home, taking the usual advantages of promotion, when promotion came to their turn by seniority, with men who had been serving at Hong Kong and other bad parts of our colonies. They were in consequence required, before they took the appointment of a cavalry surgeon, to say that if they obtained it, they would not exact further promotion; that I wish the Committee to understand. Then there is another point which sometimes interferes with the promotion of officers. A staff surgeon of the first class is at home on sick leave; a vacancy occurs for a deputy-inspector; if the staff surgeon is, at the time that the vacancy occurs, sick, and unequal to immediately commence upon his new duties, he is, by the Regulations, passed over, and must continue to be passed over until his health is so restored that he can enter upon his new duties. I have always considered that a hardship, and a great one, because a man may have contracted this disease while serving in a bad climate. This was represented 12 months ago by myself to the War Office, and I suggested that though it would not be desirable to promote the man at the time when he was sick, because probably the situation he was to take would require the officer immediately to proceed on duty; but I suggested that when he had recovered, and was able to resume his duties, as soon as an opportunity occurred, and a vacancy arose which would enable him to be promoted, his commission should be antedated. The Minister of War approved of that, and that has removed one of the greatest inconveniences and grievances, I think, that has affected military medical officers in the way of promotions.

4570. What is the next point you wish to mention?—With regard to selections I would say, that within the last four or five days I have gone over the whole of the promotions that have taken place since I have been at the head of the department, and I find that I have exercised to a very small degree the power of selection, and that when I have exercised it, it was in very strong cases. There is one point, however, I must mention. There are some officers that I have gone habitually over, some three or four cases, for I felt that I was bound to do that. There were such statements against those individuals that I could not consistently with my duty to the public service have acted otherwise. Those gentlemen have not brought forward any complaint here; at least as far as I know they have not; and therefore I should be sorry myself to allude to them. I can only say, that if any complaints are made against me for partiality on any point, I am prepared at once to meet the case.

4571. Sir *John Trollope.*] Are those gentlemen aware that you have reported against them?— I have not reported against them.

4572. Have you ever felt it your duty when accusations have been made against a gentleman, either publicly or privately, to acquaint that gentleman that you have had such an accusation made against him?—Yes; I think every gentleman who has considered that he has been injured by me, if he came to

A. Smith, Esq., M. D.

23 June 1856.

me, and asked why it was, I never hesitated in making him aware that I had unfavourable reports affecting him, though I did not mention the individual officer who had unfavourably reported him; but I have given him an opportunity of knowing where he was at the time, so that he might, if he chose, follow it out, and find out who the officer was.

4573. You stated that there have been only three or four such cases?—I think there are four, as far as I can charge my memory.

4574. Are those cases founded upon private *ex-parte* reports made to you?—They are founded partly upon confidential reports, and partly upon my own observation of them as to some few of them. I had an opportunity while I was principal medical officer myself, of observing conduct which I considered to be censurable. Therefore, my judgment is founded upon those two circumstances, confidential reports, and my own knowledge of individual officers.

4575. Have you in every case made a strict inquiry into the truth of the allegations against those persons?—I have, if I had the least doubt. But if the principal medical officer at a station, a man of standing and rank in the department, writes to me that the man is ignorant, that the man has evinced an almost total want of knowledge of his profession, I do not know that I should write to him again, and say, "Are you sure of that?" because I do not feel that a principal medical officer can be fairly treated in that way by asking him, in fact, "Have you told me the truth?" I take for granted that the principal medical officer, who is a man of long standing in the service, and who knows what he is doing in making those reports, namely, that he is condemning a man, perhaps, to serve on for life with the rank that he has, is careful in justly reporting the case.

4576. Then you act entirely upon the reports of others, not upon any personal observation of your own?—As far as personal observation of my own goes, I do act upon it, and I have had great opportunities of observation. There are very few officers in the medical department of the army that I do not know personally; I have had an opportunity of judging of them personally, but I am not inclined always to trust to my own observation; I would rather be supported by the observations of others, because I might by accident have formed an erroneous opinion.

4577. Colonel *North*.] Supposing a medical officer is reported to you as being either grossly negligent or ignorant of his profession, we understand from your former evidence that you have not the power of doing more than placing the officer on half-pay, except by the sentence of a court-martial (which of course would not be for want of medical knowledge); in such a case would it not be well that you should have the power of getting rid of an officer of that description altogether, instead of incumbering the country with his half-pay?—It would be an advantage; but it would be a dangerous power to give, unless his incompetency were fully verified by a medical board. There have been instances where men have been brought forward for carelessness and for incompetency before courts-martial; and in one case the man was acquitted; but the moral evidence was so strong, and the medical reports in reference to him were so strong, that I felt it was my bounden duty to persevere, and in that case the officer was placed upon half-pay; that was all that could be done.

4578. Colonel *Boldero*.] Do not you think that any man so condemned would prefer having a court of inquiry, or a court-martial upon him, rather than live under that stigma for the rest of his life?—I do not know; it would depend upon the man himself whether he was conscious that he was deficient.

4579. Would you refuse him a court of inquiry if he demanded it?—Decidedly not; I have no idea of refusing anything of the kind.

4580. *Chairman*.] Then why do you continue the system of confidential reports?—Because it is necessary to obtain information as to the conduct of officers, who at certain times might have been very good men, and at other times may have become very bad ones. It would not be advantageous to the service, and it would not be creditable to the department to advance such men. The question would naturally enough be asked, "Why have you promoted such a man, who has been guilty from day to day of doing such and such things?" My reply to that would necessarily be, if I had no confidential reports, "I was not aware of it. If I had been made aware of it I would not have done it." Therefore, although the confidential reports may not be the most agreeable means

means of getting information, and perhaps not the most satisfactory, still they are a necessary evil that must be tolerated.

4581. But you could get reports, though they should not be confidential reports?—There are a good many things connected with a man's character which it is not desirable should appear as ordinary documents in the office, where every clerk in the office would have an opportunity of knowing what A. said of B. Confidential reports, after all, are nothing more nor less than documents separated from the general view of the world, but in the office to be referred to—one person having them and keeping them.

4582. Mr. *Bellew.*] You are conversant with the annals of your office?—I am.

4583. How long has it been the case that promotions in the army have rested in the hands of the principal medical officer, the head of your department?—I believe always. The head of the department is simply an instrument to bring such and such persons before the Commander-in-chief as persons that he thinks ought to be promoted.

4584. Has it ever happened that you have recommended a man for promotion to the Commander-in-chief whom the Commander-in-chief has refused to promote?—No; I know of no case.

4585. Are you aware of any cases of that kind that occurred in the time of your predecessor?—No, I am not aware. The Commander-in-chief may have asked a question with reference to a man's promotion. I think there was a question, about 12 years ago, when I was not the head of the department. A young officer was recommended to be made a staff surgeon of the first class, a most meritorious man; but at the same time, in order to make him, it was necessary to go over some other very meritorious men, which the Director-general, I recollect, mentioned. A question was raised about it, whether, as the Director-general admitted that this gentleman, if he was to be promoted, would have to be placed over the heads of a great number of very meritorious men, it would be wise to do it or not; and it was agreed between the Commander-in-chief and the Director-general that, in that case it had, perhaps, better not be done.

4586. That is the only instance that you recollect of the Commander-in-chief not having adopted a promotion recommended by the Director-general?—That is the only case.

4587. You have stated that you have yourself very seldom had occasion to perform the unpleasant duty of passing over men; does it appear from the annals of your office that during the time of your predecessor a greater number were passed over than you have found it your duty to pass over?—I suspect very strongly that the men whom I have passed over, with the exception of one, had previously been passed over by my predecessor.

4588. Had a greater number of cases of promotion by selection instead of seniority occurred in the time of your predecessor (so far as you are aware) than have occurred in your own time?—I dare not venture an opinion upon that. In my time the number of cases of pure selection have been very few. I ought to make this remark, however, that many of what may be called cases of selection in my case, were not really and properly cases of selection. When the war broke out many persons may say that the Director-general selected this man and that man, all of whom were junior to himself (that is, the person complaining); now it is not fair to speak of these as cases of selection. I got an order from the Commander-in-chief to furnish immediately a medical staff to accompany the army to the East, and I was compelled, without any reference to seniority, to take the men that were at hand. I could not send for one man from the Cape of Good Hope, and for another to the Mauritius, and for another to Canada, all of whom were much senior to the men whom I was compelled immediately to recommend for advancement.

4589. Sir *John Trollope.*] Did not you send for the principal medical officer for service in the Crimea all the way to India?—I did; that was a selection.

4590. You dispossessed an officer, who went out with the army, of his command as head of the Medical department with the army, and you brought another from India to supersede him?—Because the one that went out was not eligible on the ground of rank.

4591. You say that you sometimes were compelled to select a junior officer and pass over the heads of seniors, because the junior was at hand; but here

A. Smith, Esq., M. D.

23 June 1856.

you brought an officer from India to supersede one who was on the spot?—I selected Dr. Burrell from the rank of staff surgeon, to make him a Deputy Inspector of Hospitals; but the rule of the service required that it should be an Inspector-general of Hospitals to be placed at the head of the Medical department of the army in the East. Dr. Burrell was recommended by me to be promoted to the rank of Deputy Inspector-general; if he had been a Deputy Inspector-general at the time, I could then have selected him, and submitted him to the Commander-in-chief as a very fit man to be appointed Inspector-general; but I could not select him to those two separate steps within a few days of each other.

4592. Your objection to Dr. Burrell taking the medical command was, that he was only a Deputy Inspector of Hospitals; but you considered him competent, in point of medical and surgical skill and knowledge?—In the first place, the whole service would have felt themselves seriously aggrieved; it would have prevented a general promotion throughout the service, which necessarily occurred by an officer being put at the head who was then made an Inspector-general. The practice of the service had always been for such a charge to be held by an Inspector-general; and if anything had gone wrong, and I had left Dr. Burrell in charge of the army, the universal complaint would have been, "What could you expect? you left a Deputy Inspector-general in charge of such an army, contrary to the practice of the service." I was bound according to the practice of the service to put an Inspector-general with an army of that size.

4593. You are alluding to rank, not to medical acquirements?—Yes.

4594. In fact, is not Dr. Burrell of nearly the same standing in the army as Dr. Hall?—I believe they entered the same day.

4595. And their medical acquirements are also probably nearly equal?—I selected Dr. Hall at the time because I thought that Dr. Hall was the best man for the appointment; and if I had to do it again to-morrow, I would conscientiously re-select him.

4596. Wherever he might be stationed?—Wherever he might be stationed. That does not matter when you want a person for a special duty.

4597. Mr. *Noel.*] Was Dr. Hall the senior Deputy Inspector-general?—He was the senior Deputy Inspector-general; and therefore he was the man that ought to have been selected, unless I had ground for saying that he was not competent for the duty.

4598. Mr. *Bellew.*] Just now you said that you were tolerably conversant with the annals of your office; are there any memoranda in existence of the promotions that took place in the Medical department in your predecessor's time?—No, nothing but letters.

4599. Are there any records that you can lay before the Committee?—No, none, except successive letters, extending over a period of 35 years, which it would be impossible to collect together within a month.

4600. Sir *John Trollope.*] You stated that you gave general instructions to the medical officers; is there any code of instructions issued to medical officers?—There are instructions to medical officers, which I put in at the commencement of my evidence; a small volume.

4601. Was that your own compilation, or was it done by your predecessor?—It is of many years' standing; before I entered the service.

4602. Are you aware of the date of it?—I suspect the date upon it will be according to the date of the edition; the present is a reprint.

4603. Are there instructions issued to the medical officers from your office when the army takes the field?—There are instructions in letters from me, but nothing in the way of printed instructions.

4604. No printed or lithographed instructions?—None.

4605. Were there none sent out with regard to the powers of the Medical department in the field when the army was in the East?—None; I have no power to give instructions to that effect; no military authority has any right to recognise my instructions.

4606. Then if the army had been moved from the Crimea (as it was reported was likely to be the case) the medical officer of division would have had no instructions how to proceed with regard to moving the medical stores, and matters of that kind?—He would have his instructions from the head of the Medical department on the spot.

4607. No instructions of that sort were sent by you?—No, I could not interfere

fere in such a matter; I might assume the power if I chose, but policy would not allow me to assume that power.

4608. It should be done by the principal medical officer on the spot? —Yes.

4609. Are you aware that no such instructions were issued, and that the greatest inconvenience arose in the army, when it quitted Bulgaria, on that account?—There were printed instructions issued, and a high authority in this country considered them the very best code of instructions he ever saw, and he authorised me to present his compliments to Dr. Hall, and to say that he was delighted with the views he took, and with the manner in which he communicated his instructions to the medical officers of the service.

4610. Were those instructions drawn up by Dr. Hall?—Those instructions were drawn up by Dr. Hall, and printed and circulated.

4611. *Chairman.*] Have you a copy of them in England, and can you put it in?—I think I have one remaining.

4612. Sir *John Trollope.*] Can you say whether this is a true statement of the case, that if the army had been ordered to remove to Asia, as was reported, at the beginning of the year, no medical officer of any division would have known what amount of stores he could take, and no regimental surgeon would have known what amount of stores, beyond the two panniers, he could have to transport with him on the march?—I do not think that I can give an opinion upon it, because it is purely a military matter. The military authorities regulate the quantity of stores which can be taken.

4613. Are you aware that it is matter of fact that the whole time since the last winter (this is speaking of the army in the Crimea) has been occupied in meeting pressing necessities, and not in organising plans for future conduct with regard to the Medical department?—Decidedly not; I do not know that as a fact; I should say the reverse. There have been constantly Boards sitting and recommending what was necessary for the army to meet the difficulties that that army had or might have to experience; and I have been constantly writing and asking for information from Dr. Hall, with reference to what he thought would be the best things to be done in prospective.

4614. Have you any returns of the stores that have been sent to the East, and can you put them in?—They were all put in before the Sebastopol Committee. They are all printed in the Report of that Committee.

4615. Are you aware of the dates when the first ships with stores and medical comforts arrived in the East?—No, I cannot charge my memory with that.

4616. Are you aware that none arrived between May and September in the year 1854?—They must have arrived in the East between these periods, because I was sending out constantly medicines and medical comforts.

4617. Let me call your attention to Appendix, No. 8, of the Report of the Committee on the Army before Sebastopol, page 462, where it states that the two first ships arrived on the 27th of May at Scutari, and that no other ships with medical stores and comforts arrived till the 20th of September in the same year? —Probably they went to Varna.

4618. Mr. *Peel.*] What is the next subject that you wish to bring before the Committee?—The next subject is the employing of enlisted soldiers to compound and dispense medicines. When I entered the service in 1815, and for a long period subsequently, that was to a certain extent the practice; but from time to time misfortunes arose, medicines were mistaken; one medicine was given for another medicine, and various very serious consequences resulted, which led, about 1846, to a total prohibition of the employment of serjeants and other men who had formerly been in the habit of compounding and dispensing medicines.

4619. *Chairman.*] Is that the Order which is before you?—Yes. There was a case of a man losing his life through a mistake of that kind in the West Indies; and the late Duke of Wellington then insisted upon putting an entire stop to the practice, and brought out this circular letter, which was sent to every medical officer. Since that time it has been understood, and I am bound to believe that it is acted upon, that the medical officers themselves (though I know they are much averse to doing it) have compounded the medicines. I will hand in the circular.

[*The same was delivered in, and is as follows:*]

A. Smith, Esq., M. D.

23 June 1856.

Army Medical Department,
31 January 1846.

Sir,

With reference to the eighth page of the Regulations for the Management of Army Hospitals, dated War Office, 1845, and more particularly to the paragraph prohibiting the delegation of medical duties to serjeants and orderlies, the neglect of which prohibition has been brought under the notice of his Grace the Commander-in-chief, and investigation by a court of inquiry having discovered that in one instance there is reason to believe fatal effects had ensued from such neglect, I have in consequence been commanded to call the attention of every medical officer to the subject, and to declare that every future case of disobedience in this respect will immediately be sent to trial before a general court-martial.

The superintending medical officer on each station has been ordered to report the name of any medical officer who shall have permitted an hospital serjeant or orderly to prepare medicines, dress wounds or ulcers, apply bandages, or be employed in any professional duty whatever.

In your annual return of sick, you will state whether the order in question has been complied with in every instance; the superintending medical officers having been directed whenever on their inspection visits they discover an act of disobedience of this nature, to report the same to the commanding officer of the regiment, and likewise to the general officer in command, as well as to me.

I have, &c.

Director-General.

N.B.—The receipt of this circular to be acknowledged.

4620. Those men, of whom you spoke, that mixed the medicines with such disastrous results, were uneducated men?—They were uneducated men, except so far, that they were educated by the surgeon of the regiment. They had a sort of half-way knowledge of Latin terms. They used to make up the medicines; and it sometimes happened that they gave a wrong medicine; a poisonous medicine. I do not know that I could exactly state all that happened. In other instances they have given medicine of a harmless nature for the treatment of a disease, when another medicine had been prescribed that was adapted for that disease, and evil consequences have resulted from that, so far that the patient did not recover. He did not reap the advantage he would have done had the proper medicine been given. I am aware of a number of cases of a very serious description that have arisen from the practice. I have known a case of a man being ordered to give sulphur ointment, and he gave cantharides ointment, the sulphur ointment being intended for a certain cutaneous disease. The person who got it rubbed the body over with that cantharides ointment, which is a blistering ointment, and the person died. It was a woman.

4621. How long ago was that?—It was at Windsor, about 14 or 15 years ago. There was a case at Chatham lately; a man employed in the capacity of a surgery man, a soldier, a man who was supposed to know medicines pretty well, unfortunately did something that led to the death of a man at Chatham.

4622. Was not there an inquest upon that occasion?—There was.

4623. And a trial?—Yes.

4624. Was the military surgeon found guilty?—The military surgeon was acquitted, as a matter of course, because he had nothing to do with it. It was a corporal.

4625. Mr. *Bellew.*] You said that you were bound to believe that at present the surgeons and assistant-surgeons of the army compound the medicines themselves; by saying that you are "bound to believe" it, do you mean to say that you take it as a matter of course, or that you really do believe that they do so; because we have had it stated in evidence here that they do not do so?—I do not think you have had it stated in evidence by any medical man that he does not do so. I heard Lord Cardigan state it the other day; but as every medical officer certifies on his annual Return, which is required by the letter of the Duke of Wellington, that he has delegated no professional duties to any non-commissioned officer or soldier of his regiment, but that he has done the duties himself, I am bound to believe, unless I know to the contrary, that he has delegated none. I must take a gentleman's word.

4626. Sir *James Fergusson.*] Has it not been stated to you that it is practically impossible?—I cannot admit that it is practically impossible, because I have done it myself when I was a junior officer in the department.

4627. Mr. *Bellew.*] You told us, just now, that it was not the practice, when you entered the service, for the surgeons to compound their own medicines?—

It

It was an understood thing that the medical officer was to do so, but still they were permitted to employ the hospital serjeant to do it.

4628. Have you done it for any continued length of time when you were a regimental officer?—Yes.

4629. You were a regimental assistant-surgeon?—I was.

4630. For how long a period?—I was in the 98th Regiment for not very long; but I also was in other regiments, and I always did it.

4631. As a regimental surgeon, did you do it, or did you delegate that duty to your assistant-surgeon?—I never delegated duties; the assistant-surgeon made up his own medicines, and I made up mine.

4632. Sir *John Trollope.*] How long were you surgeon to a regiment?—I was about seven months acting surgeon of the 49th.

4633. When you state that you were acting surgeon, do you mean that you were assistant-surgeon?—I was acting surgeon in charge of the 49th about seven months; and then I was about eight or nine months in the same position with the Cape Mounted Rifles, as acting surgeon.

4634. Were you ever a regimental surgeon at all?—I was never a regimental surgeon.

4635. Did you pass from being an assistant-surgeon to being a Deputy-inspector of Hospitals or staff surgeon?—Staff surgeon; a thing not at all uncommon.

4636. Is it not uncommon now?—Yes; it is not allowed now; it is a different grade; formerly a staff surgeon and a regimental surgeon were the same rank, but now a staff surgeon is a grade above; and there is no staff surgeon, such as existed at the time when I was made staff surgeon.

4637. At the time that you were made staff surgeon, was there any rank between assistant-surgeon and staff surgeon?—I was made assistant staff surgeon.

4638. You never served as actually surgeon of a regiment?—Not as regimental surgeon.

4639. Were you attached to a regiment with this office?—Yes. I mentioned two instances; the Cape Mounted Rifles and the 49th Regiment.

4640. Had you been 21 years an assistant-surgeon before you were promoted at all?—I had before I was made staff surgeon.

4641. Colonel *North.*] If I rightly understand the objection you have to serjeants compounding medicines it is this, that they would accurately compound what the surgeon gave them, but that if the surgeon by any accident, being in a hurry or in a flurry, made a mistake, the serjeant would not discover it?—That is a second objection which I want to raise.

4642. *Chairman.*] Do you say that that has taken place?—Yes; I will mention another case which occurred to myself; when I was thoughtless enough, on one occasion, when I was very young in the service, to prescribe some extract of colocynth pills; two. I desired the hospital serjeant, being in a hurry myself, to make up two five-grain pills of extract of colocynth, with some addition to them; I believe some calomel; I took for granted that he did the thing correctly; instead, however, of extract of colocynth, he made up two five-grain pills of extract of opium, which were sent to the house to be used; I happened to be rather late at the house that evening, fortunately; each of the persons for whom a pill was intended, took one, and they would have been dead in a short time if I had not been there to adopt the proper measures to keep them alive.

4643. Had that man had any training in the hospital?—He had just had the usual training, the medical officer instructing him.

4644. Are you aware that this practice of the hospital serjeant dispensing the medicine exists in the regiments of the Household troops?—I cannot speak with reference to the Household troops beyond what I have seen in the evidence taken before the Committee.

4645. Mr. *Percy.*] Do not such mistakes occur in civil practice?—I believe they occasionally occur, but the object is to find out the system that will afford the least chance of their occurring; a medical man in a hurry occasionally may write an ounce of some medicine instead of a drachm; if that goes to an apothecary's shop in London, the error is seen immediately, and no mischief ensues; and the kind of men that we have now in the service would at once see that that was wrong, and communicate immediately with the medical officer, and would not make up the prescription; but a serjeant or a private, who is not sufficiently aware of the doses of medicines, would make up the prescription as it stands, and the consequence would be that a man very likely would be killed.

A. Smith, Esq., M. D.

23 June 1856.

4646. Sir *James Fergusson.*] Do not the mistakes that occasionally occur, generally occur from the mistakes of dispensers in apothecaries' shops?—No; I think they are more generally from the mistake of the medical man writing in a hurry, and putting, for example, an ounce instead of a drachm.

4647. Have you not seen in the public papers frequently reports of cases in which poisons have been given by mistake in apothecaries' shops?—I have seen sometimes cases; but looking at the immense quantity of medicine that is dispensed day by day, I think such cases are very infrequent. Then I wish to state that I am aware of many other instances of cases of the kind having occurred. There was a case of a surgeon of the 88th Regiment in Corfu; at a time when he was labouring under severe dysentery, the assistant-surgeon prescribed for him an ounce of castor oil, which was the proper remedy under the circumstances of the case; it was sent to the hospital, and the hospital serjeant mistook the prescription for balsam of copaiba, and sent up balsam of copaiba, the last thing likely to be advantageous to the man, and the man died in the course of two days. I do not mean to say that he died entirely in consequence of this wrong medicine, but certainly he would have had a better chance of living if he had got the castor oil instead of the balsam of copaiba. I will mention one or two other cases, because I think it important; indeed, my conscience compels me to mention these matters; and having once done so, whatever measures may be adopted, I shall feel that I am not responsible. There was a case at Chatham: when I was the principal medical officer, I went into the surgery to see whether the surgery-man was not dispensing medicines; I placed myself by the fireplace, the surgery-man's back was to me; an orderly came in, who did not observe me standing there, and he went up to him with a paper in his hand; he gave him the paper, and the man took some medicine and measured it, and put it into a gallipot, and the orderly took it away in his hand. As soon as he had gone, I moved away from the fireplace and took the bottle to see what he had done, and I found that he had given sulphuric acid, pure oil of vitriol, instead of diluted sulphuric acid; I went out immediately after the man and took away the medicine. There is another case within my recollection, which occurred, I think, at Canterbury: A man had been ordered half-an-ounce of diluted sulphuric acid, and instead of that he was given pure sulphuric acid; he swallowed it, and sloughing took place in the inside of the mouth, and gullet and stomach, and the man eventually died. Now those are cases which have come within my own knowledge, and therefore I am particularly afraid of trusting men who are not first of all tolerably good Latin scholars; and secondly, men whose minds have not, when young, been directed to the preparation of medicines, and fully impressed with the danger of certain drugs, and particularly with reference to over-doses.

4648. *Chairman.*] What is the next subject upon which you wish to observe?—I observed in the evidence given some time ago by Captain Bunbury, that it is stated that there were no non-commissioned officers in the Medical Staff Corps. There are 147 non-commissioned officers in the Medical Staff Corps. I gave in last Friday a statement showing its constitution. I presume that Captain Bunbury made some mistake in that respect. I am held responsible for the constitution of that corps, not Captain Bunbury; therefore it must be assumed that I know the constitution of that corps as well as Captain Bunbury.

4649. Sir *John Trollope.*] Was the corps organised on your recommendation? It was.

4650. And you considered it a creation of your own?—It is a corps that was suggested by myself, but organised by the superior authorities at the Horse Guards, aided and assisted by my opinion.

4651. You recommended it in the first instance?—I recommended it from the commencement of the war. The first thing I thought of was to have a corps of that kind, because I was aware that we would never otherwise get sufficient attendance for the hospitals in the East.

4652. Did you recommend also the ambulance corps that went to Bulgaria?—No; I recommended a corps; but the ambulance corps that went out was in opposition to my view, namely, of pensioners.

4653. Do you know who organised it?—I believe the War Office and Colonel Tulloch.

4654. Colonel *Boldero.*] The anecdotes which you have told us respecting the mixing of medicine were spread over a great many years?—Yes.

4655. Can you give the date of the earliest?—The earliest was a case that occurred to myself. That would be in 1822. *A. Smith*, Esq., M. D.

4656. Is not the education of medical military officers greatly improved now, as compared with what it was when you entered the service?—No; I think they were as well educated at that time as they are now. 23 June 1856.

4657. Was the test of qualification for commissions as severe as it is now?—No, there were not so many requirements made at that time; but the substantial education, namely, the professional education, was as good then.

4658. Are not the non-commissioned officers of the army better educated now than they were when you first entered the service?—I do not think so.

4659. Colonel *North*.] You are aware of the certificate which is required to be signed by a medical officer before an officer can sell out: "We do hereby certify to have carefully examined ———, who states he is —— years of age, and are of opinion that he does not labour under impaired constitution, threatening earlier dissolution than a person of that age in the common course of nature may expect." How is it possible for a military medical officer to sign such a certificate with regard to a man who has returned home in ruined health from the Crimea?—He would not sign it in a case where death was imminent, or where there was fair reason to believe that death would occur within a very short period of time; it is only to prevent a man putting off selling out till the very last moment, when a few days are likely to conclude the officer's existence. The medical officer would not sign in such a case; he would state that he was labouring under such and such symptoms, which gave every reason to believe that in a very few days his end must arrive, and the officer would not then be allowed to sell out.

4660. Take the case of a young man whose constitution has been ruined by exposure in the trenches; could the medical officer sign the certificate in such a case as that?—If there was not a fair prospect within a few months of his being restored to perfect health, it would be necessary to introduce that as a comment into the certificate.

4661. *Chairman*.] Have you put in any additional papers with regard to Dr. Lawson?—I have put in the first order, removing Dr. Lawson from Balaklava; the second, attaching him to the second division of the army; and the third, ordering him to proceed to Scutari for duty.

John Jackson, called in; and Examined.

4662. *Chairman*.] WHAT position do you hold now?—Dispenser at Millbank. *John Jackson*.

4663. What position did you hold in the army formerly?—I was 21 years in the Grenadiers.

4664. What position did you hold in the Grenadiers?—Fifteen years as dispenser in the Military Hospital.

4665. How did you learn the system of dispensing?—Partly as a non-commissioned officer, from a man who had been there 15 years previously, partly from the surgeon, and partly through my own self-teaching.

4666. How many handwritings had you to be familiar with?—There were seven different surgeons at times.

4667. You had to be familiar with seven different handwritings?—Yes.

4668. Did any serious mistakes happen in consequence of the system pursued there?—Not one: I never knew a mistake happen all the years I was there.

4669. Was there a considerable amount of sickness sometimes there?—Yes; on the average, sometimes 120 a day.

4670. Did you train your successor to perform the same duty?—I have trained six in my time; they never made the least mistake in doing the duty out of town; but one man, who had been in a chemist's shop about seven years, was of no use for doing that duty: he was a regular muff; he would stand at the counter with a towel in his hand, and play with his fingers, but as to the working part, he was of no use; others who had been regularly disciplined men managed the duty very well, and very satisfactorily.

4671. You have left the army now?—Yes.

4672. But you still have a kind of feeling towards your old profession?—Yes, I have.

4673. Would you be prepared to say that you think that the system in the

John Jackson.

23 June 1856.

Grenadier Guards' hospital could be introduced into the rest of the service?—Yes, I think it could.

4674. From your experience, do you think that any difficulties would be likely to occur?—No; no more than with private practitioners; no more than with having civilians.

4675. Mr. *Percy.*] Were those prescriptions written in Latin?—All in Latin.

4676. Mr. *Bellew.*] Did you know Latin?—I was five years under a clergyman of the Church of England before I entered the army, but I was not an educated man.

4677. *Chairman.*] You compared the words in the prescriptions with the words on the bottles?—Yes; and I found out the grains and weights; it was quite simple.

4678. You can conscientiously state to this Committee that no inconvenience arose?—I can.

4679. Mr. *Percy.*] Were the directions written in Latin on the bottles as well as in the prescriptions?—No; the directions for the patient were in English.

4680. They were always written in English?—Yes.

4681. Colonel *North.*] Are you the only dispenser at Millbank?—Yes.

4682. Colonel *Boldero.*] Were all the poisonous drugs locked up, and not accessible to you?—No, I had access to everything; but those things were kept by themselves. All deadly poisons were kept in a small cupboard, so that they were not liable to be taken down by mistake; because any man might do that, even a qualified man, just as much as anybody else, from not thinking.

4683. Sir *Henry Davie.*] You never went about with the battalions?—No; I used always to teach others who had to go out of town. During my 15 years I taught six.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

Correspondence relating to Medical Comforts for the Army in the East - - - p. 285
Correspondence relating to a Memorial from the Medical Officers of the Army serving in the East - - - - - - - - - - - - - - - - - - p. 285
Correspondence relating to the Professional Branch of the Army Medical Department Office - - - - - - - - - - - - - - - - p. 286
Form of Application of Candidates for Employment in the Medical Department of the Army - - - - - - - - - - - - - - - - p. 287
Duties of Army Medical Officers - - - - - - - - - - - p. 290
Interior Economy of a Regiment - - - - - - - - - - - p. 292

Appendix, No. 2.

Letter from Dr. Hall, Principal Medical Officer, Crimea, to the Director-general, relative to the Assistant Surgeons' Memorial - - - - - - - - - - - p. 295
Memorial from the Assistant Surgeons in the Crimea - - - - - - - p. 295
Letter from the Director-general to Dr. Hall, Principal Medical Officer, Crimea, relative to the Assistant Surgeons' Memorial - - - - - - - - - - - p. 298

Appendix, No. 3.

Correspondence referred to in the Second Examination of Dr. A. Smith - - - p. 299

Appendix, No. 4.

Letter from the Director-general to the Under Secretary of State for War, dated 26th April 1856 - - - - - - - - - - - - - - - - - p. 304
Letter from Dr. Hall to the Director-General, dated 12th April 1856 - - - p. 304
Memorial from the Army Medical Officers serving with the British Army in the East, p. 304
Memorial from the Military Medical Officers serving with the British Army in the East, p. 310
Memorial of Surgeons serving with the Army in the East - - - - - p. 311
Letter from the Director-general to F. Peel, Esq., M. P., enclosing Documents - - p. 314

Appendix, No. 5.

Copy of Autograph Letter from Lord Raglan to Dr. Dumbreck, dated 13th February 1855 - - - - - - - - - - - - - - - - - p. 322
Return showing the Number of Men of each Rank serving in the Medical Staff Corps, p. 322
Extract from the General Orders of the Army, dated Head Quarters before Sebastopol, 13th December 1854 - - - - - - - - - - - - - - - p. 322
Extract from the General Orders of the Army, dated Head Quarters before Sebastopol, 14th December 1854 - - - - - - - - - - - - - - p. 323
Extract from the General Orders of the Army, dated Head Quarters before Sebastopol, 15th January 1855 - - - - - - - - - - - - - - p. 323

Appendix, No. 6.

Paper furnished by Dr. A. Smith:
Memorandum for the Information of Medical Officers, on taking the Field for Active Service - - - - - - - - - - - - - - - - - p. 323

APPENDIX.

Appendix, No. 1.

CORRESPONDENCE relating to Medical Comforts for the Army in the East. Appendix, No. 1.

Sir, Horse Guards, 2 November 1854.

IN acknowledging the receipt of your letter of the 31st ultimo, enclosing a further requisition for medical comforts for the army in the East, I am directed by the General Commanding-in-Chief to transmit to you the accompanying copy of a letter from the Comptroller for Transport Services, stating that the articles required will be sent by the earliest opportunity, and that those applied for by you on the 12th ultimo, will be forwarded by the "Robert Lowe" steamer, and suggesting whether, on any future occasion, it would not be desirable that all medical comforts required should be purchased under your immediate authority, the Admiralty being apprised when they are ready for shipment, so that conveyance may be provided for them.

I have, &c.
(signed) *C. Yorke.*

The Director-General,
Army and Ordnance Medical Department.

(Immediate.)

Sir, Admiralty, 1 November 1856.

WITH reference to your letter of this day's date, I beg to acquaint you, for the information of the General Commanding-in-Chief, that the medical comforts for the army in the East demanded in Dr. Smith's requisition of the 12th ultimo, will be forwarded in the "Robert Lowe" steamer, which is expected to leave the river for Constantinople in a few days, and that the articles now demanded will be sent by the earliest opportunity. With a view of saving time on any future occasion, I beg to request to be informed whether it would not be desirable that the required articles should be purchased by Dr. Smith, or under his immediate authority, this department being apprised when and where the same may be ready for shipment, in order that conveyance may be provided for them.

I have, &c.
(signed) *J. Grant.*

The Military Secretary.

(Pressing.)

Sir, War Office, 5 February 1855.

I AM directed to acquaint you that the Lords Commissioners of Her Majesty's Treasury have approved of the appointment of Mr. Bridget to be a clerk in your office, for the purpose of superintendence of the purchase and the shipment of medical stores, for the use of the several military hospitals at home and abroad, and that for the performance of these duties he will be allowed a salary, commencing at 250 *l.*, and rising annually by 15 *l.* a year to 350 *l.* per annum.

I am, &c.
(signed) *B. Hawes.*

The Director-General,
Army Medical Department.

CORRESPONDENCE relating to a Memorial from the Medical Officers of the Army serving in the East.

Sir, War Department, 22 September 1855.

I AM directed by Lord Panmure to transmit herewith, in original, a memorial from the medical officers of the army serving in the East, and to request you will return it with such observations as may occur to you, for the information and guidance of Lord Panmure.

I enclose also a copy of the despatch addressed by his Lordship to General Simpson.

I am, &c.
(signed) *F. Peel.*

The Director-General,
Army and Ordnance Medical Department.

Appendix, No. 1.

Sir, War Department, 13 September 1855.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th August last, enclosing a memorial from the surgeons serving with the forces under your command.

The subject of this memorial shall meet with my most attentive consideration; but that consideration will be given entirely irrespective of the recent employment of civil medical practitioners for army duties, as I must point out that there can arise no fair ground of complaint on the part of the surgeons of the army from the employment of civilians, at a moment of great emergency, at higher rates of pay than those established for army surgeons, because I am quite sure that the army medical officers who have signed this memorial cannot fail to observe, that the civilian medical gentlemen will derive no advantage of half-pay for themselves, or of pensions for their widows, by accepting this duty, while they must admit that, as these gentlemen have for the most part been induced to leave their private practice to afford their aid to our army in the field, they are fairly entitled to a higher rate of remuneration while employed, without prospective advantages, than those who belong to the army professionally, and have secured to them the right to retire upon liberal rates of half-pay, as a life annuity for themselves after prescribed periods of service, and of securing pensions to their widows.

I have, &c.

To General Simpson. (signed) *Panmure.*

Army and Ordnance Medical Department,

Sir, 29 October 1855.

WITH reference to your letter of the 22d ultimo, transmitting to me a memorial from the medical officers of the army in the East, and requesting, in returning it, that I would furnish you with such observations as may occur to me, I have the honour to submit certain memoranda for the information and consideration of the Minister for War.

The subject involved in the document herewith returned I felt was one of a comprehensive nature, and not to be treated hastily; I therefore resolved to consult the views of certain officers of the department, whom I might see in the course of a few weeks, and obtain from them such information as they might be able to afford me. This course, which I thought it necessary under circumstances to adopt, is the only excuse I can offer for having so long delayed to reply to your communication.

I have, &c.

F. Peel, Esq., M. P., &c. &c. &c. War Department. (signed) *A. Smith,* Director-General.

CORRESPONDENCE relating to the Professional Branch of the Army Medical Department Office.

(Immediate.)

Army and Ordnance Medical Department,

Sir, 6 December 1856.

I HAVE the honour to acknowledge the receipt of your letter of the 16th ultimo, adverting to mine of the 7th, and requesting me to submit, for the consideration of Lord Panmure, such alterations and additions in the professional branch of the Army Medical Department Office, as may appear to me likely to prove beneficial.

In reply, I beg to report for his Lordship's information, that I am of opinion the professional staff of this office should, during the continuance of the war, consist of:

2 Inspectors-General of Hospitals.
1 Staff Surgeon of the 1st Class.
3 Staff Surgeons of the 2d Class.
1 Staff Assistant-Surgeon.

The duties required to be performed are very numerous, and many of them highly important, therefore they cannot be efficiently discharged by a lesser number of officers, without at least an amount of over-exertion calculated to disadvantageously affect in various ways those required to perform them.

The present staff (1 Deputy Inspector-General of Hospitals, 1 Staff Surgeon 1st Class, and 1 Staff Surgeon 2d Class,) is quite inadequate to the many and increasing wants of the service; in fact, more than the above three officers, which were allowed in time of peace, are now required for the efficient discharge of the duties connected with the examination of the many sick and wounded officers arriving from the army, &c. and for keeping in anything like a satisfactory state the medical affairs of the many regiments of militia.

Under these circumstances I trust the augmentation proposed will not be considered an unreasonable one, and if it be sanctioned, I shall take immediate steps to obtain the officers, and complete the various Boards now in operation, but which at present cannot be regarded

regarded as in a satisfactory state, merely from a want of the number of officers necessary to render them otherwise.

Four Boards are required at this office, namely, one for the examination of sick and wounded officers, a second for the supervision and management of the Purveying Department, a third for the same duties in regard to medicines, surgical instruments, and surgical appliances, and a fourth for medical statistics.

For these Boards six of the officers only will be available; hence each will have to take a part in two of the Boards, the seventh officer, one of the Inspectors-general, will be constantly required to assist the Director-general in the general duties of the department.

I have, &c.

The Under Secretary of State for War,
&c. &c. &c.
War Department, Whitehall Gardens.

(signed) *A. Smith*,
Director-General.

Sir, War Department, 14 December 1855.

I am directed by Lord Panmure to acknowledge the receipt of your communication of the 6th instant, recommending the allowance of certain extra assistance to the Director-general of the Army Medical Department, and in reply, I am to acquaint you, that his Lordship sanctions the appointment of the following officers for such purpose:

2 Deputy Inspectors-General of Hospitals.
1 Staff Surgeon 1st Class.
3 Staff Surgeons 2d Class.
1 Staff Assistant-Surgeon.

These appointments must be made upon the clear understanding that the staff of the department will be liable to reduction at the termination of the war.

His Lordship does not, however, perceive the necessity of appointing two Inspectors-general of Hospitals.

I am, &c.

Dr. A. Smith.

(signed) *G. C. Mundy.*

Form of Application of Candidates for Employment in the Medical Department of the Army.

Recommended by_____

Christian and Surname at full length.

I _____

_____ years of age, in _____ last, a candidate for employment in the Medical Department of the army, do hereby attest my readiness to engage for general service, whether at home or abroad, and to proceed on duty immediately on being gazetted.

I declare that I am unmarried, and that I labour under no mental nor constitutional disease, nor *any imperfection* or disability that can interfere with the most efficient discharge of the duties of a medical officer in any climate.

(*Signature*)_____

I have pursued the undermentioned course of study, of which I am ready to produce the vouchers for registry, and also a certificate of my age; namely—

I possess certificates of regular attendance at the undermentioned hospitals, and courses of lectures for the number of months stated:—

The	Hospital or Infirmary for	months.
The	Hospital for Mental Derangement for	months.
The	Hospital for Diseases of the Eye for	months.
The	Lying-in-Hospital for	months.

Appendix, No. 1.

Stating the Number of Lectures in each Course.

Lectures.	Professors' Names.	Place.	Period in Months.
Anatomy, by - - -			
Practical anatomy, by - (*stating the number of subjects dissected*)			
Surgery, by - - -			
Clinical Surgery, by - -			
Military Surgery, by -			
Physiology, by - -			
Practice of Medicine, or General Pathology, by -			
Clinical Lectures on the Practice of Physic, by -			
Midwifery, by - - -			
Practical Midwifery, by -			
Chemistry, by - - -			
Practical Chemistry, by -			
Botany, by - - -			
Materia Medica, by - -			
Practical Pharmacy, by -			
or an Apprenticeship -			
Forensic Medicine, by -			
Morbid Anatomy and Pathology, by - -			
Natural History, by - -			
Natural Philosophy, by -			
Logic, by - - -			
Mathematics, by - -			
Comparative Anatomy -			

The Dates of Graduations and the Universities or Colleges are to be stated.

I have the Degree of A.M. or A.B. from the _____

I have the Degree of M.D. from the _____

I have a Diploma for Surgery from the _____

(*Signature at full length*) _____

(*Date*) _____

(*Place of Residence*) _____

MEMORANDA.

1st. In selecting from among the candidates for the Medical Department of the Army, a preference is given to those who can fill up all the blanks in the preceding pages, by having the acquirements therein stated. The name of no gentleman can be placed on the list who does not possess a diploma from the Royal College of Surgeons of England, Scotland, or Ireland, or from the Faculty of Physicians and Surgeons of Glasgow, or other corporate body legally entitled to grant a diploma in surgery, and who cannot produce the following testimonials:

18	Months'	attendance at an hospital of celebrity, where the average number of in-patients is not less than 100.
12	„	Anatomy.
12	„	Practical Anatomy.
6	„	Physiology.
12	„	Surgery (or what is preferred) six months' surgery, and six months' military surgery.
8	„	Clinical Surgery, a complete course of two or three lectures during the week.
12	„	Practice of Physic, or six months' practice of physic, and six of general pathology.
8	„	Clinical lectures on ditto, the same as required in surgery.
12	„	Chemistry.
6	„	Practical Chemistry.
3	„	Botany.
3	„	Materia Medica.
3	„	Practical Pharmacy, or Apprenticeship.
3	„	Natural History.
3	„	Midwifery.
3	„	Practical Midwifery.
1	Course	Natural Philosophy.
1	Course	Logic.

2d. The candidate must be unmarried, not beyond 25 years of age, nor under 21 years.

3d. Candidates who have had an university education, and have the degree of A.B. or A.M., as well as that of M.D., will be preferred; but a liberal education, and a competent knowledge of the Greek and Latin languages, are indispensably requisite in every candidate.

4th. The greater the attainments of the candidates the more eligible will they subsequently be deemed for promotion; as selections to fill vacancies, especially in the higher ranks, will be guided more by reference to such acquirements, than to mere seniority.

5th. Although the British schools are specified, it is to be understood that candidates who have received a regular medical education in approved foreign universities or schools will be admitted to examination.

6th. With the exception of practice of physic and clinical medicine by one teacher, candidates must have attended separate lecturers for each branch of medical science.

7th. Before promotion from the rank of assistant-surgeon to any higher rank, every gentleman must be prepared for such other examination as may be ordered before a Board of Medical Officers.

8th. Diplomas, tickets of attendance on lectures, and certificates of regular attendance by each professor or lecturer, must be lodged at this office for examination and registry at least one week before the candidate appears for examination, likewise certificates of moral conduct and character, one of them by the parochial minister if possible. Baptismal certificates are required at the same time, and if the parish register cannot be resorted to, an affidavit from one of the parents, or some near relative who can attest the fact, will be accepted.

9th. The certificate of the teacher of practical anatomy must state the number of subjects or parts dissected by the pupil.

Appendix, No. 1.

10th. Certificates of lectures and attendance must be from physicians or surgeons of the recognised colleges or medical schools of the United Kingdom, or of foreign universities.

11th. All candidates for medical appointments are required to be conversant with Cullen's Nosology.

Note.—All communications to be prepaid; or if not, to be forwarded, addressed *outside* to "The Right Honourable the Secretary at War," with the words, "Army Medical Department," at the left hand corner,—*This half sheet is not to be torn off.*

Army and Ordnance Medical Department, February 1855.

DUTIES of Army Medical Officers.

The surgeon is to make a daily report of the sick to the commanding officer, who will make a weekly report to the officer commanding the brigade or district.

Regimental hospitals are under the immediate direction of their respective surgeons, subject to the general instructions and superintendence of the Director-general of the Army Medical Department, and the officer acting under his orders. It is the duty of inspectors of hospitals, and of such other officers of the medical staff as may be ordered on this duty, to visit the regimental hospitals from time to time, to observe whether the hospital regulations are strictly adhered to, to inquire whether any causes of complaint exist among the patients, and to submit to the generals commanding districts, and to the Director-general of the Army Medical Department, such local observations as they conceive may tend to the benefit of the sick.

In every barrack and garrison the Board of Ordnance will provide accommodation for the sick, in the proportion of one-tenth of the number of effectives; but when a regiment is in camp or cantonments, it is the business of the surgeon to procure an airy and commodious hospital, taking care that it is amply supplied with wholesome water.

In camp, a tent will be allowed, which is to be pitched upon the most dry spot of ground in the vicinity of the regimental hospital, to which it is granted as an aid, but must not, except in cases of absolute necessity, be itself considered as the hospital.

The responsibility for the order, regulairty, and cleanliness of the regimental hospital, for the diet and care of the patients, and for the general conduct and economy of the whole establishment, rests entirely with the surgeon.

The surgeon is to be consulted in the selection of the serjeant to be appointed to assist him in the hospital; and it will tend materially to the benefit of the sick that this non-commissioned officer, and the orderly-men acting in the hospital, shall be considered as being in a permanent situation, and not liable to be removed, except in case of misbehaviour.

A guard is to be constantly furnished to the hospital, and the surgeon is to signify to the commanding officer of the regiment the particular orders which he wishes to be given to the non-commissioned officer commanding it, and to the sentries.

When a soldier is sent into the hospital, his arms and accoutrements are, if possible, to be left with his troop, or company, and in no instance is he to take his ammunition with him to the hospital.

It is very desirable that in every regimental hospital there should be an apartment appropriated to convalescents, whose diet and mode of living are to remain under the direction of the surgeon, and who are themselves to be, in every respect, subject to the hospital regulations.

Convalescents on coming out of the hospital are not to be put on duty till the surgeon certifies to the adjutant that they are perfectly recovered, for which purpose the surgeon, or assistant-surgeon, is daily to make a particular inspection of these men at morning parade, to prevent any remaining longer exempted from duty than the state of their health renders absolutely necessary. On a march, when circumstances will permit, the packs of such convalescents as have not yet received certificates of their being fit for duty, should be carried for them.

The surgeon, or assistant-surgeon, is to attend all field days, and invariably at target-practice.

In cantonments and barracks the quarters of the surgeon are to be near the hospital, and the assistant-surgeon's tent is to be pitched in its vicinity when a regiment is in camp.

Regimental surgeons are to take under their care any non-commissioned officers or soldiers of the Royal Artillery, or of other regiments, or seamen, or marines (upon the commanding officer's authority for so doing being obtained), who being absent from the ship, or corps to which they belong, from there being no general hospital in the neighbourhood, or from other unavoidable circumstances, are under the necessity of applying to them for relief and assistance. In these cases the regimental paymaster is to repay to the surgeon the expense incurred, on the certificate thereof being signed by him, and countersigned by the commanding officer, and the agent of the regiment in whose hospital he has been received; the signature of the commanding officer of the latter is, in this instance, to be deemed a sufficient authority.

On

On foreign stations, all sick soldiers of the Artillery, Engineers, Royal Military Artificers, and other Ordnance military corps, sailors of the Royal Navy, Royal Marines, and such persons belonging to the civil branch of the Ordnance and Naval Service, such as storekeepers, clerks, artificers, labourers, &c., as may be considered by the general or other officer in command to be entitled to military medical attendance and medicines, are to be admitted into general and regimental hospitals (or attended in their quarters, according to their situations), and supplied with diet, medicines, wine, porter, and all other allowances and necessaries; and whether in hospitals or attended in out-quarters, are to be treated precisely in the same manner, and be subjected to the same regulations and control, as the sick officers, non-commissioned officers, and privates of the other parts of the army, and the same stoppages are to be made from their pay, both in regard to hospital charges and rations, the application of which is to be governed by the same regulations.

The regulations, dated 31 August 1838, issued by the Secretary-at-War, for the management of regimental hospitals, are considered as general orders; and all generals commanding districts, and officers commanding brigades, regiments, and depôts, are enjoined to give them full effect, and by their authority to enforce the strictest observance of them, within their respective commands.

Any soldier who is guilty of assuming, while he is in a military hospital, any other name than the one by which he is known in his regiment, is to be tried by a court-martial for the offence, which can have no other object but fraud and imposition on the public. This order is to be posted up in the wards of all military hospitals.

The surgeon, or assistant surgeon, is in every instance when practicable, to be present at the execution of the wills of soldiers in hospital, and is to affix a declaration to such wills, stating whether the parties were in a fit state of mind at the time to execute the same. Whenever a will, not containing such a declaration, shall be transmitted to the War-office, the commanding officer is to annex thereto an explanation of the circumstances, and to withhold all payments at the regiment arising thereon until the decision of the Secretary at War be notified.

Leave of Absence.

Officers in command of regiments are to be very circumspect in recommending leave of absence for the regimental medical officers. The application for leave of absence for a medical officer can be proper only in one of the following instances, viz.: That the regiment being assembled in one or two quarters, and being healthy, the attendance of one of the medical officers can, for a time, be dispensed with; or that the indulgence of leave of absence to any particular medical officer is an object of most material importance to his private concerns, or to the state of his health. Previously, however, to any regimental medical officer being allowed to receive leave of absence, the inspector, or senior officer of the Hospital Department in the district, or at the station where the regiment may be serving, is to certify that the state of the regiment will admit of his being absent without inconvenience to the corps, or additional expense to the public.

In instances wherein medical officers belonging to regiments abroad, and being in Great Britain or Ireland, have occasion to apply for leave of absence, their applications are to be addressed to the Director-general of the Army Medical Department, by whom, if approved, they are to be furnished with a memorandum or certificate, to enable them to forward their applications through the colonels of their regiments (when it may be practicable) to the Adjutant-general, for the consideration of the Commander-in-Chief.

When an officer has occasion to apply to a medical officer for a certificate of the state of his health, wounds, &c., in order to enable him to apply, through the prescribed channel, for leave of absence, the form of medical certificate subjoined is to be made use of, in which the medical officer is to state fully the nature of the disease, wound, &c., and the period during which the officer has suffered under its effects. He is also to state candidly and explicitly his opinion as to the period which will probably elapse before such officer will be able to resume his military duties, if his regiment is at home, or to embark for foreign service if his regiment is abroad. When there is no reason to expect a recovery, or when the prospect of recovery is distant and uncertain, it must be so stated.

Duties on board Ship.

The surgeon, or assistant surgeon, is to examine the men at morning parade, and to observe whether there be any appearance of disease in any of them.

The sick are to be separated from those in health as much as possible; upon the first appearance of any acute infectious disorder, the signal is to be made to the hospital ship, and the diseased man removed to her.

The articles (lemon juice and sugar) are placed under the charge of the medical officer on board, who, on his arrival at his destination, is to account for the same, through the senior medical officer at the station, to the Director-general of the Army Medical Department.

It is the duty of the medical officers to guard the men, when they get into a hot climate, against costiveness; and, as upon the first arrival of the transports in the West Indies a great number of canoes usually come off with fruit, plantains, &c., generally very green and bad, the soldiers are not to be allowed to buy such trash, and are only to be supplied with such fruit and vegetables as the medical officer on board may deem proper.

Appendix, No. 1.

Passage in India Ships.

The sick are to be attended by the surgeon of the ship, to whom an allowance is made on that account by the Company, and who is authorised to procure from the captain's table and stock, fresh provisions, wine, and other comforts, on the commanding officers countersigning such application to the commander of the ship. This, however, is not to prevent the surgeon or assistants of the regiment from giving a general superintendence to their men.

Barracks.

Whenever it may be expedient to destroy bedding which may have been used by men infected with any contagious disorder, the medical officer is to represent the circumstance to the commanding officer on the spot, who is to report to the general officer commanding, in order that a Board may be assembled for the purpose of determining the propriety of destroying the articles. The Board is to consist of one field officer, two medical officers, one of whom, when convenient, is to be of the medical staff, and the barrack-master.

The individuals tendering (for canteens) are required to produce samples of the spirituous and other liquors, &c., to be retailed by them, that it may be ascertained by a Board of Survey, consisting of a regimental officer not under the rank of captain, a medical officer, and the barrack-master, that the articles are good and proper for the troops.

Promotion and Exchange.

No regimental officer, being under orders to join his regiment or battalion on foreign service, or to embark with a corps destined for foreign service, shall be permitted to exchange into another regiment, except such exchange be certified by a military medical officer. In these medical certificates it must be clearly stated, whether the cause of the officer's inability has or has not arisen subsequently to his having been placed under orders to join his regiment.

Interior Economy of a Regiment.

Medical Aid.

Officers commanding detachments not having any medical officer attached to them are immediately, on arrival at their stations, to inquire whether there are any means of obtaining medical assistance from a medical staff officer in the vicinity; it is only in cases where such aid cannot be obtained that they are justified in having recourse to the practitioners of the country, of which a special report is immediately to be made to the officer commanding the regiment, who will transmit the same to the Director-general of the Army Medical Department.

Officers belonging to the Medical or Commissariat Departments are not permitted to employ soldiers as their servants.

Recruiting Service.

The orders of the Director-general, dated the 30th July 1830, contain ample instructions for the guidance of medical officers in the examination of recruits, and the general orders and schedules issued from time to time from the Recruiting Department give the necessary details respecting the age and height prescribed for recruits, and the levy money allowed.

The following course is to be followed with respect to recruits who may be rejected for surgical, medical, or constitutional causes, on joining regiments or depôts, from recruiting districts or subdivisions:—

1. A report of the case, accompanied by a descriptive return, showing the cause of objection, where enlisted, and the names of the military and medical officers by whom intermediately approved, is to be made to the officer commanding the district or garrison, or to the adjutant-general (Recruiting Department) should the regiment or depôt be quartered in a station not included in any military district, who will immediately order a medical Board for the examination of the recruit.

2. Should the Board consider the recruit fit for service, the proceedings are to be transmitted direct to the commanding officer of the corps to which he belongs, by whom the recruit is forthwith to be finally approved.

3. But should the recruit be found unfit, the Board is to state whether, in their opinion, the cause of inability has arisen from any accident or disorder that may have occurred to him, subsequently to his being intermediately approved, and the proceedings are then to be transmitted to the adjutant-general, or to the deputy adjutant-general in Dublin, if the corps is serving in Ireland. If, in the opinion of the Board, the cause of objection has arisen from recent accident or disease, an immediate decision will be come to on the case; but, on the contrary, if it is considered likely to have existed at the period of his enlistment, the district surgeon will then be called upon to explain the circumstance of his having passed a recruit deemed ineligible for the service by a medical Board, in order to enable the Commander-in-chief to come to a decision, which, in either case, will be communicated to the regiment or depôt concerned.

4. When

4. When the regiment or depôt is stationed in a situation where a medical Board cannot conveniently be assembled, the report and descriptive return, as above stated, are to be transmitted by the officer commanding the district, regiment, or depôt, as the case may be, to the adjutant-general, or deputy adjutant-general in Dublin, together with the opinion of the regimental medical officer, as to the period from which the cause of disability is likely to have existed, in order that the case may be submitted to the Director-general of the Army Medical Department, upon receiving whose opinion the Commander-in-chief's decision as to the final disposal of the recruit will be duly notified.

Discharges.

In filling up the discharges of soldiers who are disabled for further service, commanding officers are to take particular care that the nature and origin of their disability be distinctly stated in the medical certificate, whether,—

1. In consequence of service, or on duty, or by the service, specifying the particular act of duty.
2. While in the service by constitution or accident.
3. By misconduct or design.

It is incumbent upon officers in command, upon medical officers, and upon all others concerned, to give the strictest attention to the preparation of the documents herein prescribed, for the accuracy of which, in every respect, they will be held personally responsible. Serious evils have, in some instances, resulted to the public, as well as to individuals, from the careless and incorrect manner in which the regimental records have been kept, and discharges filled up.

Courts Martial.

Courts martial, before passing sentence of solitary confinement, hard labour, or other punishment, are to ascertain, in reference to the state of health of the prisoner, that the sentence can be duly carried into effect; with this view a certificate from a medical officer is to be required by the court and attached to the proceedings.

Sentences of corporal punishment are to be inflicted in the presence of the surgeon, or of the assistant surgeon, in case of any other indispensable duty preventing the attendance of the surgeon; and are not to be carried into effect on Sundays, except in cases of evident necessity.

The infliction of corporal punishment a second time under one and the same sentence, is illegal. The culprit is therefore to be considered as having expiated his offence when he shall have undergone, at one time, as much of the corporal punishment to which he has been sentenced, as in the opinion of the medical officer in attendance he has been able to bear.

The punishment of marking a deserter with the letter D. (in terms of the eleventh clause of the Mutiny Act), is to be inflicted on the parade in presence of the men, and under the personal superintendence of a medical officer. The operation is to be performed with an instrument recommended for that purpose, a pattern of which is lodged in the office of military Boards, and the punishment is to be inflicted in the cavalry by the trumpet-major, and in the infantry by the drum-major or bugle-major, who are to be instructed by the regimental medical officers how to apply the instrument properly, but effectually, as well as the substance, whether ink or gunpowder, with which the mark is to be coloured. Other persons are to be instructed in the proper application of the instrument, so as to be able to inflict the punishment effectually, in the absence of the non-commissioned officers above alluded to, from sickness, or other unavoidable cause.

Service and Depôt Companies.

In the selection of men to complete the service companies, and more especially those stationed in tropical climates, attention is to be paid to the age and constitution of the individuals, so that the draft may consist as far as possible of the oldest and most seasoned recruits, and therefore best qualified to bear the effects of a change of climate. The opinion of the medical officer is, of course, to be consulted in the selection.

Deserters.

When a deserter, not belonging to the regiment, and not serving in another regiment, is apprehended by, or surrenders himself to, a party of soldiers, he is to be forthwith taken before a magistrate, to be committed to some public prison, and the description return prescribed by the Mutiny Act is to be transmitted to the Secretary at War by the magistrate by whom such deserter shall have been committed. He is also to be examined by a medical officer, whose opinion as to his fitness for military service is to be annexed to the report which is transmitted to the Secretary at War. If unfit for service, the cause of unfitness is to be specified in the medical report.

Duties in Camp.

Whenever detachments are composed of 200 men or upwards, a surgeon or assistant surgeon is to be sent from the corps of the officer who commands. On particular duties, the attendance of a surgeon or assistant surgeon may be requisite with smaller detachments. Detachments of cavalry of 50 or upwards are to be attended by a farrier.

Appendix, No. 1.

Embarkation of Troops.

On the arrival of a vessel for the reception of troops, the general or other officer commanding at the station is to cause such inspection to be made by the staff and medical officers under his command, as may satisfy him that the vessel is in every respect fitted for the accommodation of the number of officers and men to be embarked, and that proper and sufficient stores are provided for their use. He is to require from the senior medical officer at the station an inspection report of the state of the ship, stores, &c., under the following heads, viz. :—

1. Name or number of the ship.
2. Tonnage.
3. Numbers of officers and men for whom provision and accommodation are made.
4. Height between decks.
5. Supplies and state of the ship's water.
   " " of the provisions.
   " " of the medical comforts.
   " " of the bedding.
6. Means of fumigation.
7. Means of ventilation.
8. State of the well, and of the orlop deck, or betwixt decks.

Previously to embarkation, a strict examination is to be made of those men who are ordered for service, in order to ascertain if they be likely to continue effective in the climates for which they are destined.

No men with active tubercular disease in existence are to be allowed to embark for any station. In the warmer climates consumption is more speedily brought to a fatal termination; in the colder climates the complaint is not arrested; and in both, inefficiency will be the result.

This remark applies to either very old or very young soldiers. If, however, young soldiers, with only a predisposition to the complaint existing, or young men of even delicate frame, and whose constitutions are not sufficiently formed, shall be embarked in the hopes that a mild climate may improve their health and stamina, much care is to be had in not over-drilling these men, more especially in full marching order; the weight and drag on the shoulders and chest are more than such are equal with impunity to bear.

No men with active or chronic diseases of the bowels are to be allowed to embark. Old soldiers are liable to diarrhœa, often with structural disease of minor consequence; all such cases are almost certain of being aggravated by a sea voyage and a warm climate, and are liable to become in a short time inefficient soldiers.

Men with chronic diseases of the eyes, chronic ulcers, and asthmatic complaints and rheumatism, especially old soldiers, are very objectionable for foreign service.

The general or other officers commanding on stations abroad, are to require reports similar to those herein prescribed to be made to them whenever troops or invalids are to embark on board of vessels from any port within their commands. The inspecting medical officers are to forward copies of the reports to the Director-general of the Army Medical Department.

Disembarkation of Troops.

On the arrival of troops in any port for disembarkation, the general or other officer commanding is to order the vessels to be immediately visited, and the men inspected by an intelligent field officer, attended by a competent medical officer, from whose report he will ascertain the actual state of the men and ship, what casualties have occurred on the passage, and whether the ship has been properly found, and the men supplied with accommodation and provisions, according to Regulation.

Officers returning from Foreign Service.

Medical officers returning from foreign stations are to report their arrival, the authority under which they return, &c., to the Director-general of the Army Medical Department, as well as to the adjutant-general and to the colonels of their respective regiments.

Riding Establishment.

In order to prevent any men being sent to the riding establishment, who, from weakness of constitution, or other cause, may not be fit for the duty of the riding school, the necessary medical inquiry is to be made into their fitness previous to their being detached on this duty, and on the back of the descriptive returns, accompanying detachments to the riding establishment, the medical officer is to certify to the following effect, viz. :—

"I certify that the non-commissioned officers and men of the detachment about to proceed to the riding establishment have been examined by me; that they are of good constitution, free from any injury or affection likely to become worse from riding, and that they are in every respect in good health."

(signed)

The

Appendix, No. 1.

The Medical Department is at present considered as a civil branch of the service, and the medical officers of the different grades are given relative rank in the army only. The ranks are as follows :—

Medical Department.

Inspector-general, as brigadier-general.
Deputy inspector-general, as lieutenant-colonel.
Staff surgeon, first class, as major.
Regimental surgeon and staff surgeon, second class, as captain.
Apothecary, as captain, but junior of that rank.
Assistant surgeon, as lieutenant.
Deputy purveyor, as lieutenant.
Medical clerk on the establishment, as ensign.

Appendix, No. 2.

(No. 1.)

Appendix, No. 2.

LETTER from Dr. *Hall*, Principal Medical Officer, *Crimea*, to the Director-General, relative to the Assistant Surgeons' Memorial.

Sir, Before Sebastopol, 31 July 1855.

I HAVE the honour to submit for your consideration, and transmission to the Minister-at-War, should you deem it proper, the enclosed memorial from the assistant-surgeons of the army serving in the Crimea, praying for an amelioration of their condition, and certain advantages in point of rank and retirement.

Memorial from Assistant Surgeons, Crimean Army.

The recent employment from civil life of men of their own standing in the profession, and not of superior qualifications, has given rise to a good deal of dissatisfaction amongst the assistant-surgeons, as they naturally contrast their own small pittance with the liberal scale of pay on which their brethren, from civil life, are placed.

I have, &c.
(signed) *J. Hall*,
Inspector-general of Hospitals.

(No. 2.)

MEMORIAL from the Assistant Surgeons in the *Crimea*, enclosed in Dr. *Hall*'s Letter; dated 31 July 1855.

To the Right Honourable the Lord *Panmure*, K. T., Secretary of State for the War Department.

The Memorial of the Assistant Surgeons of Her Majesty's Army serving in the *Crimea*,

Humbly showeth,

THAT your Lordship's memorialists have seen with much concern, during the progress of this campaign, that whilst the exertions of medical officers, individually, have been recognised, as leaving nothing to be desired, the working of the medical department, as a whole, has not proved altogether satisfactory; and understanding, that in consequence, a re-organisation of the medical department of the army is in contemplation, take this occasion to represent for your Lordship's consideration,

That the present rank and emoluments of assistant-surgeons are not of a character, apart from other considerations, to retain in the department medical men of talent and proficiency, to whom is open the prospect of higher remuneration as practitioners in civil life. Having in a great majority of instances no means, other than those afforded by the practice of their profession, medical men hesitate to enter a service, in which, however honourable and desirable in many respects, the small remuneration allowed them is notoriously insufficient for maintaining their proper standing, or enabling them to associate on terms of equality with their brother officers.

That whilst the assistant-surgeon, having first arrived at the age of 21, must have also undergone a long and expensive course of professional study, previous to assuming the subaltern rank allotted him, one wholly unworthy of the dignity of the profession to which he belongs, the executive officer may, without any special preliminary education, join the army at a very early age, and within the short period of two years attain a rank for which a medical officer can become eligible only after a lengthened period of service.

That the much more rapid promotion of executive than of medical officers during time of war, implies also an undeservedly low estimate of the exertions of the latter, who

Appendix, No. 2.

share the dangers of battle, privation, and climate, and are exposed to additional risk of life from constant intercourse with the wounded and diseased, but, unlike their fellows, reap from their services, however distinguished, neither advantage nor reward, in consequence of the long period of service enjoined by the "Regulations" before promotion.

That promotion appears at the present time to be conducted on no definite plan, and is not regulated, as it should, by consideration of merit, seniority, or service in the field.

That the ill-defined nature of the duties of assistant-surgeons is not only open to objection, but their being required to combine the functions of dispenser, dresser, and clerk, with those of physician and surgeon, is incompatible with, and unworthy of, their true position.

That under ordinary circumstances medical officers are denied the leave of absence desirable for professional improvement and other purposes.

That the period assigned for the retirement of medical officers is unnecessarily prolonged, exceeding that of other officers actually by one-fourth, and virtually by one-half.

That your Lordship's memorialists cannot but express their regret that the augmentation of the army should have failed to accelerate promotion in the medical department alone, in consequence of the introduction of civil practitioners to the posts of authority and emolument thus created, to fill which your Lordship's memorialists humbly consider the permanently appointed members of the department not only better entitled, but, from their knowledge of the peculiarities of military practice, even more competent; and believe the adjustment of the various causes of objection, above detailed, could not fail at all times to attach to the regular channel of the department a sufficiently large number of the most highly-gifted and accomplished of the profession to render, in any future emergency, all extraneous aid unnecessary.

Your Lordship's memorialists therefore humbly pray,

That the pay and rank of assistant-surgeons be increased.

That five years be the maximum, instead of, as at present, the minimum service required for promotion, and that the substantial recognition of service in the field, so liberally bestowed on military officers, be extended to assistant-surgeons whose services are not less onerous or deserving.

That the professional experience gained in so wide a field of observation as that afforded to those who have served in this campaign, and which no length of home service could have supplied, be duly considered in the regulation of promotion.

That medical officers be relieved from the duties of dispenser, dresser, and clerk, and that competent persons be appointed to discharge these functions.

That the leave of absence hitherto restricted to medical officers during time of peace be allowed them on proper occasions.

That the length of time occupied in preliminary education, amounting in most instances to not less than five years, be taken into account in regulating the period of service required of medical officers previous to retirement, and your memorialists will ever pray, &c.

Cavalry.

4th R. Irish D. Guards.
5th D. Guards.
6th D. G. C.
1st Dragoons (sd.) *Henry Sherlock.*
2d N. B. Dragoons (sd.) *C. Clark Rutherford,* M.R.C.S.E.
4th Light Dragoons.
6th Dragoons, Inniskillen.
8th Hussars.
10th Hussars.
11th Hussars (sd.) *M. C. Ancell.*
12th Lancers (sd.) *G. A. Turnbull.*
Ditto - (sd.) *D. C. Wodsworth.*
13th Light Dragoons (sd.) *L. Armstong,* M.D., M.R.C.S.E.
17th Lancers.

First Division.

Grenadier Guards (sd.) *Henry J. Laurence.* / *C. Reade.*
Coldstream Guards (sd.) *T. L. Rogers.*
Scotch Fusileer Guards (sd.) *Fred. Robinson.* / *George Perry.*
42d Regiment (sd.) *Alexander Maclean.*
71st Regiment (sd.) *John Moor MacNeece.*
72d Regiment (sd.) *D. J. Doherty.* / *E. H. Roberts.*
79th Regiment (sd.) *J. N. Bell,* M.D. / *E. L. Lundy.*
93d Regiment (sd.) *William H. Pollard,* B.A.

SECOND DIVISION.

2d Bri., 1st Troop (sd.) *Thos. Knox Birnie*, Assistant-surgeon.
3d Regiment (sd.) *Thos. Teevan.*
30th Regiment (sd.) *David Milroy*, M.D.
31st Regiment (sd.) *T. J. Atkinson.*, *J. Meane*, Assistant-surgeon.
41st Regiment.
47th Regiment (sd.) *William A. White*, M.D., *S. A. Cusack.*, *Henry Grange.*
49th Regiment (sd.) *James Hannan.*, *W. M. Calder.*
55th Regiment (sd.) *J. M'H. Cowan*, M.B., *W. J. Rendell*, M.R.C.S.E., L.S.A.
62d Regiment (sd.) *J. E. Young.*, *Henry L. Randell.*
95th Regiment (sd.) *R. Ferguson.*, *G. M. Swinhoe.*

THIRD DIVISION.

1st Bri., 1st Foot (sd.) *William Dumbreck.*, *R. Atkinson.*, *A. Reid.*
4th Regiment (sd.) *James Ekin*, M.B., *John L. Erskine*, M.D.
9th Regiment (sd.) *J. C. Ovens.*, *R. W. Meadows.*, *J. C. Johnston.*
14th Regiment (sd.) *T. M. Bleckley*, A.B., M.B., T.C.D., *W. H. Price.*
18th Regiment (sd.) *E. C. Ryall.*, *John Roy Philip.*, *Andrew Semple.*
28th Regiment (sd.) *W. H. Brice*, A.B., T.C.D., *C. G. Irwin*, A.B., T.C.D., *J. F. Stewart*, M.D.
38th Regiment (sd.) *D. W. Lawlor.*, *J. H. Lewis.*, *W. Y. Jeeves.*
39th Regiment (sd.) *John H. Ross*, A.M., M.B., *G. W. Sparke.*
44th Regiment (sd.) *Richard L. Butler.*, *John Johnson.*
50th Regiment (sd.) *E. G. Noot.*, *G. F. Davis.*, *William Bradshaw.*

FOURTH DIVISION.

13th Regiment.
17th Regiment (sd.) *W. M. Gibant.*, *L. G. Hooper.*
20th Regiment (sd.) *R. W. Carter.*, *R. Wolseley.*
21st Regiment (sd.) *John H. West.*, *James H. Patrickson.*
46th Regiment (sd.) *C. C. Dempster.*, *R. R. Scott.*, *John Duffin.*
48th Regiment (sd.) *P. M'Dermott*, M.B., A.B.
57th Regiment (sd.) *T. C. Brady.*
63d Regiment (sd.) *W. W. Mills*, L.R.C.S.I., *F. O'Dell.*
68th Regiment (sd.) *C. Y. Kellett.*, *A. P. M. Corbett*, M.D.
1st Bri. Rifle Brigade (sd.) *J. J. P. Williams.*, *F. de Chaumont.*, *Joseph Longheed.*

Appendix, No. 2.

LIGHT DIVISION.

7th Regiment (sd.)	*T. E. Hall*, B.A., M.R.C.S. *T. Sheehy*, M.D.
19th Regiment (sd.)	*W. M. Webb.* *S. J. Bayfield.*
23d Regiment (sd.)	*Davis Wood.*
33d Regiment (sd.)	*John Ogilvy.* *T. Clark.* *J. V. Seddall.*
34th Regiment (sd.)	*R. J. Worthington.* *W. Haward.* *E. M. Wrench.*
77th Regiment (sd.)	*R. G. Burton.* *O. B. Miller.* *A. Humfrey.*
88th Regiment (sd.)	*T. R. Williams.* *W. Harris.* *R. W. Meade.*
90th Regiment (sd.)	*R. W. Jackson.* *D. A. Reid.* *C. R. Nelson.*
Rifle Brigade (sd.)	*J. L. Brown.* *J. B. C. Reade.* *G. Young* (60th Rifles).
97th Regiment (sd.)	*E. M. Sinclair.* *J. A. Porter.* *A. Bryson.*

ARTILLERY.

(signed) *William Haughton*, M.B.
Essex Bowen.
S. Roch.
J. H. Hearn.

MEDICAL STAFF.

(signed) *J. P. Street*, M.D.
R. N. Chapple.
A. J. Mackay, M.D.
J. C. Smith.
A. T. Longhurst.
S. Stacy Skipton, M.D.
D. Cullen.
J. Creasy.
A. Hawkins.
P. H. Watson, M.D.
T. Mines.

(No. 3.)

LETTER from the Director-General to Dr. *Hall*, Principal Medical Officer, *Crimea*, relative to the Assistant Surgeons' Memorial.

(15440—26-L.)

Army and Ordnance Medical Department,
17 August 1855.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 31st ultimo, forwarding, for my consideration and transmission to the Minister-at-War, a memorial from certain assistant-surgeons of the army serving in the Crimea, praying for an amelioration of their condition, and certain advantage in point of rank and retirement.

In returning the enclosure, I regret to have to inform you that it is not in my power to forward it for the consideration of Lord Panmure, as it contains at least one statement which I do not admit to be correct. The statement is as follows:

"That promotion appears at the present time to be conducted on no definite plan, and is not regulated as it should be by consideration of merit, seniority, or services in the field."

Independently of this reason, I also consider the document one I could not with propriety forward to Lord Panmure, as it purports to be suggestions for the improvement of the department, simply by a body of assistant-surgeons, by far the majority of whom can scarcely be supposed yet to thoroughly know the working of the present system, or what would be the effects of what they propose.

I have, &c.
(signed) *A. Smith*,
Director-General.

Appendix, No. 3.

CORRESPONDENCE referred to in the Second Examination of Dr. *A. Smith.*

(No. 1.)

My dear Burrell,

A FORCE of 10,000 is about to leave this for Malta, so that you will soon find yourself a man of more importance than you perhaps think yourself at present, because there is no medical officer with the force senior to you; therefore if it is disembarked, you will as a matter of course assume the superior medical charge, and if it is not, but be ordered to proceed at once to the Eastward, you will have to embark and accompany it as principal medical officer. So many doubts exist at present that no definite step will be taken in reference to the principal medical officer till it be ascertained that Malta will not be the furthest point the expeditionary troops will reach; if I receive a letter from you saying you have sailed for Constantinople I will then recommend you for a step of promotion, which I have arranged will be at once granted. Appendix, No. 3.

If you leave Malta you must put the senior regimental surgeon in charge of the department until I can supply a staff-surgeon for the station. A purveyor is to accompany the force as well as a purveyor's clerk. I am wavering about Ward. I greatly wish to recommend him, still I fear he will not, on account of his age, be equal to the duty. I really feel perplexed. I wish you would give me your opinion on the point overland, and as soon as possible; if you feel he will be all you want, I will know how to act; perhaps I may have to decide before I hear from you; I hope not. Each regiment will have three active medical officers, and you will besides have three staff-surgeons, first class, Dumbreck, Linton, and Mitchell; three staff-surgeons, second class, Matthew, Reade from Corfu, and a third not yet fixed; also six good staff assistant-surgeons for hospital duty, and one assistant-surgeon to take charge of stores, making 13, exclusive of yourself; more will be furnished if wanted. I wish you to try and ascertain, as soon as possible, what we may expect in the shape of disease, as the staff will not be sufficient if much is to be feared.

I suppose the country beyond Constantinople is swampy, and therefore we will have intermittent and remittent fevers. I see in the papers the troops in the field are suffering from typhus, erysipelas, and hospital gangrene. I will trust to your getting all you can in reference to sickness from persons you may find in Malta, and letting me hear from you with all possible despatch. Your letter may cause me to adopt some additional measures. I send you a list of the medicines and instruments which will be embarked on the 20th, and if you wish anything not ordered to be sent, note them. I am afraid you will not be able to read this, as I write in such haste, being overwhelmed with work.

Yours, &c.

13 February 1854. (signed) *A. Smith.*

(No. 2.)

My dear Burrell,

You will by this post receive an official for yourself, and one for Mr. Ward, whom I congratulate. You will also, soon after the post reaches Malta, be informed by General Ferguson that you must be ready to leave with the first part of the expeditionary force which proceeds onwards to Constantinople. Of course you will make all arrangements, and take every necessary step to assume the duties of principal medical officer of the army under command of Lord Raglan. Your task will be no easy one, but I feel satisfied you will execute your duties with judgment and energy. I am about recommending you for the rank of Deputy Inspector-general of Hospitals. It is expected the force will shortly be increased; then also will there be an increase of medical staff, and the charge will become that of an inspector-general. You will shortly have lists of the medicines, instruments, surgical materials, hospital stores, medical comforts, &c., which are being embarked under charge of Mr. Jenner, purveyor's clerk. Have you any person you would wish to take as your own clerk? If you have not, I must send you one. Let me know immediately.

The staff will be—

Dr. Dumbreck, „ Linton, „ Mitchell, „ Alexander, 20th Regiment, „ Tice,	Staff-surgeons, 1st Class.
Mr. Matthew, 2d Class. „ Reade, Corfu. „ Marlow.	

Appendix, No. 3.

Assistant-Surgeons,

Mr. Meikleham.
„ Anderson.
„ Brown, 94.
„ Smith, &c.

In the course of a few days I will be able to write you more in detail. At present I scarcely know whether I am standing on my head or my feet. You never saw such a bustle, and such energy to get everything ready for the expedition. Let me hear from you as soon as possible; and while matters are progressing take every opportunity of giving me a line.

Yours, &c.
22 February 1854. (signed) *A. Smith.*

(No. 3.)

My dear Burrell,

I HOPE you are getting ready to leave with the 1st Division for the land of the Turks. I suppose you will soon have the first quota in Malta. Many other regiments are about to embark, so that I expect the force ere long will consist of 25,000 men, and will be considered entitled to an inspector-general. Hall has been ordered to join immediately, as he is the first deputy inspector-general for promotion. No doubt you and he will get on well. You will be second; and I suppose the deputy inspector-general of the First Division, which I hear will be under General Brown, the second senior; at least so far as we yet know here. A very large medical staff will be supplied, so that there will be no want of doctors. An additional supply of medicines, surgical instruments and materials, hospital stores, medical comforts, &c., are being got ready, and will soon be sent on. If you think of anything you could wish to have which is not in list, write me. Nothing will be refused which is likely to be useful. I am expecting daily to hear from you in reply to my first letter.

Yours, &c.
2 March 1854. (signed) *A. Smith.*

(No. 4.)

Left London 24 March 1854.

My dear Burrell,

Now that the force has been increased, and I am not able, as you will easily understand, to give you two steps at once so as to keep you supreme; I write this to say I am prepared to send you an order to proceed to Bombay if you desire it; if you do not, you will of course be a deputy inspector-general, senior to the other three, and second in command. I am very anxious to know your wishes in that respect, so you must not lose a moment in replying. I hope the offer I now make you, whether you accept it or not, will prove to you that I am not heedless of your interests and feeling.

We are hourly expecting the reply to the ultimatum, and if it be what everybody expects it will be, you will soon find yourself reinforced by some 80 or 100 staff medical officers; you will, for a time at least, have a heavy charge. General Brown leaves to-day, and intends taking Alexander with him to Turkey; tell A. that he must, on landing, ascertain what houses may be got for hospital accommodation, what situations are the most healthy, and what kind of water is obtained for drinking and culinary purposes. I will be glad to hear from him as soon as he has completed his inquiries. Mrs. Smith unites with me in kind regards to Mrs. B.

I am, &c.,
(signed) *A. Smith.*

I fear you will find yourself short of bedding for sick.

(signed) *A. S.*

(No. 5.)

Left London 31 March 1854.

My dear Burrell,

I FEEL determined not to act, as I fear you have done; I am convinced were the public to judge between you, I, and the service, I would be pronounced as having acted fairly and kindly to you, but I have some doubt if it would consider you to have acted generously to me. You ought to be aware, if you are not, that it is not in my power to have you made an inspector-general, and further that I dare not consistently with the practice of the service, leave an army of 30,000 men under the medical charge of a deputy inspector-general; I

feel

feel convinced you will, when the ebullition is over, see that I have rendered you every possible justice, more especially when you receive my letter, which was despatched a few days ago, *viâ* Marseilles. If, however, you cannot come to this conclusion, I shall not resist your wish, but shall at once recommend that you be permitted to retire; only I will not be able to attempt that till you give over charge to the inspector-general, or the deputy inspector-general, viz., Dr. Dumbreck.

If I could bring myself to wish you any misfortune, it would be that you should have my duties to perform for only six months; they are bitter enough, and you have not failed to add to the cup of bitterness; however, I forgive all who have caused me what I regard unmerited pain, and in return for such, wish them every comfort and happiness.

I am, &c.,
(signed) *A. Smith.*

It is now 9 o'clock P. M. of the 28th March, just nine hours since I received your letter, and my disappointment has not yet abated, nor has the pain which the treatment I have experienced in the slightest degree diminished; I hope both will be less acute after a sleep.

You are of course aware that Dr. Hall is the senior of the deputy inspectors-general, and therefore the first for promotion, unless he can be regarded as disqualified. Do you recollect where Robertson was serving when he was promoted to Gibraltar?

Army and Ordnance Medical Department,
Sir, 20 February 1854.

It having been decided that a medical staff shall accompany the force intended for service in Turkey, I have to request you will be prepared to receive from the Lieutenant-general, commanding in Malta, an order to join that force as principal medical officer.

If the troops disembark or land for a time at Malta, you will make arrangements so as to leave with the first vessels which proceed, in order that you may reach Constantinople as soon as any part of the force, and so be enabled to provide for the wants of the division you yourself accompany, as well as those of the corps which may follow; that is, provided the whole force do not depart at the same time.

A purveyor and a purveyor's clerk have been appointed, and as the former is with you at Malta, you will, as a matter of course, carry him along with you to be employed as may be necessary when the troops reach their destination. The clerk, a very active able man, is at present being employed here, and will leave as soon as all the stores, &c. have been embarked, and he has received the necessary information in reference to them; he has been instructed in his duties by Mr. Pratt.

I enclose for your information a copy of a letter I have addressed to the Military Secretary in reference to your appointment.

I have, &c.
(signed) *A. Smith,*
Director-General.

Dr. Burrell, P. M. O., &c. &c. &c.,
Malta.

(Immediate.)

Army and Ordnance Medical Department,
Sir, 18 February 1854.

I have the honour to submit that Dr. Burrell, staff-surgeon of the first class, and now serving at Malta, be approved as principal medical officer for the expeditionary force about to proceed up the Mediterranean, and that Lieutenant-general Ferguson, commanding the troops at Malta, be informed of this arrangement, and desired to direct Dr. Burrell to accompany the first body of troops which may be sent from Malta for Constantinople, or in the event of no troops landing at Malta, that he (Dr. Burrell) shall otherwise proceed to join the force, and on arrival he will report himself to Lord Raglan, or the general commanding.

I have, &c.
(signed) *A. Smith,*
Director-General.

The Military Secretary, &c. &c. &c.,
Horse Guards.

P. M. O.'s Office, Malta,
Sir, 16 March 1854.

Your official letter of 18th February to the Military Secretary, in which my name is submitted as "principal medical officer for the expeditionary force about to proceed up the Mediterranean," led me to believe that under any augmentation I should be considered competent to the medical charge of that army. Finding, however, by your communication received this day, that I am to be superseded, not only by an officer of the same standing as myself, and who has had a large share of the rewards of the department, but that he is to be brought from India to reap the fruits of a quarter of the world which others have confi-

Appendix, No. 3.

dently looked forward to as their right, I beg to decline the small recompense, now intended, for many years of zealous, and, I flatter myself, useful service.

In consequence of the above change in your arrangements, I have the honour to request you will immediately submit my name to the Right honourable the Secretary-at-War for retirement from the service in my present rank, agreeable to the conditions of the War Office Warrant, applicable to officers of my standing, and trust it will be convenient to you to relieve me from my present charge without delay.

I have, &c.
(signed) *W. H. Burrell*, M. D.,
Staff Surgeon, 1st Class,
P. M. O.

Dr. A. Smith,
Director-General,
A. and O. Medical Department.

Army and Ordnance Medical Department,
31 March 1854.

Sir,

In acknowledging the receipt of your letter of the 16th inst., relative to the appointment of Dr. Hall as principal medical officer of the expeditionary army proceeding to Turkey, and requesting in consequence that you may be recommended for retirement upon half-pay, and relieved from your present charge, I have to express my regret that you should feel so dissatisfied at my having simply observed the usual practice of the service. If I do not receive another letter from you making a different request, I will on your reporting to me that you have given over charge to Dr. Hall, if you find him at Constantinople on your arrival, or to Deputy Inspector-general Dr. Dumbreck, in the event of Dr. Hall not being there, take measures to secure for you the retirement you appear to desire.

I have, &c.
(signed) *A. Smith*,
Director-General.

Dr. Burrell,
Deputy Inspector-General of Hospitals,
&c. &c. &c.

Army and Ordnance Medical Department,
15 April 1854.

Sir,

Agreeably with the wish expressed in your official letter, under date 16 March last, and your private one of the 1st inst., I have the honour to inform you that I have recommended that your promotion to the rank of Deputy Inspector-general of Hospitals be cancelled, and that you be permitted to retire upon half-pay as a staff-surgeon of the first class.

Should this communication reach you at Malta, it will not be necessary for you to proceed to Gallipoli, as a Deputy Inspector-general of Hospitals will start this evening for that station, travelling *viâ* Trieste.

Staff Surgeon of the First Class, Dr. Armstrong, has been ordered to succeed you at Malta, and the moment he arrives and takes overcharge, you may leave for this country.

In conclusion, I sincerely regret that you have compelled me to find you the opportunity of thus retiring from the service. I wish you had acted otherwise.

I have, &c.
(signed) *A. Smith*,
Director-General.

Dr. Burrell,
Deputy Inspector-General,
&c. &c. &c.
Malta.

Army and Ordnance Medical Department,
13 May 1854.

Sir,

It is with pain I have felt myself compelled this day to request the General Commanding-in-chief to authorise Lord Raglan to relieve you from duty with the army in Turkey, and appoint Deputy Inspector-general, Dr. Dumbreck, principal medical officer, provided Dr. Hall shall not have arrived from India.

I deeply lament that you should have constrained me to resort to such a proceeding, and what I even more regret is, that your own injunction to me should have left me no alternative but to have your promotion cancelled, and permission given you to retire upon half-pay.

I have, &c.
(signed) *A. Smith*,
Director-General.

Dr. Burrell,
Staff Surgeon 1st Class, with Lord Raglan's Army.

Appendix, No. 3.

Army and Ordnance Medical Department,
12 June 1854.

Sir,

In reply to your letter from Marseilles, dated 8th instant, I have the honour to inform you it is not indispensable for you to repair to London. You have only to report to me your arrival at Boulogne in order that I may be able to give effect to your wishes.

As I did not keep copies of the private letters I addressed to you in reference to my intentions towards yourself, and other matters, I will feel greatly obliged if you will either supply me with copies, or permit me to have the originals for the time necessary to admit of copies being made.

I have, &c.

W. H. Burrell, Esq., M. D.,
Staff Surgeon, &c. &c. &c.

(signed) *A. Smith*,
Director-General.

Army and Ordnance Medical Department,
25 July 1854.

Sir,

With reference to your letter of the 16th March last, wherein your request that I will immediately submit your name to the Right Honourable the Secretary-at-War for retirement from the service in your present rank, I have the honour to inform you, that on the 17th April last I communicated, though with reluctance, your wish to the General Commanding-in-chief, and I have now to inform you that his Lordship has no objection to your being placed upon half-pay from the 24th June 1854 inclusive, at the rate of 17*s.* per. day.

Having already more than once expressed to you the regret I experienced in consideration of the course you had thought proper to adopt, I need not repeat it on the occasion of announcing to you, that your request of the 16th March last has been complied with, and that I feel the Army Medical Department will in consequence be deprived of the services of a most able and efficient medical officer.

I have, &c.

Dr. W. H. Burrell,
Staff Surgeon, &c. &c. &c.

(signed) *A. Smith*,
Director-General.

War Office, 19 October 1855.

Sir,

In acknowledging the receipt of your letter of the 13th instant, transmitting bills for filtering machines supplied to the camp hospitals at Shorncliffe and Aldershott, I am directed to request that you will inform me under what authority the articles in question were supplied.

I have, &c.

The Director-General,
Army Medical Department.

(signed) *B. Hawes.*

(Correct copy.) *H. P.*

Army and Ordnance Medical Department,
24 October 1855.

Sir,

In reply to your letter of the 19th instant, desiring to be informed under what authority certain filtering machines were supplied to the camp hospitals at Shorncliffe and Aldershott, I have the honour to state that I had no authority to purchase them beyond what I have for months possessed, namely, to buy whatever I considered absolutely necessary.

The articles were wanted for immediate use, and when they could not be obtained so immediately, by having recourse to the ordinary methods of supply

I may here state that this authority, I conceive, I have from what passed in conversation between the Duke of Newcastle, Mr. Herbert, and myself on various occasions, and which authority I have hitherto exercised to a considerable extent; on some of the occasions to which I refer I think you were present.

I have, &c.

(signed) *A. Smith*,
Director-General.

The Deputy Secretary-at-War,
&c. &c. &c.

(Correct copy.) *H. P.*

Appendix, No. 3.

Sir, War Office, 3 November 1855.

I AM directed to acquaint you that Sir John Kirkland has been authorised to pay to Messrs. Lipscombe & Co., 93, Regent-street, the sum of Twenty-three pounds Six shillings (23 *l.* 6 *s.*) for filters supplied to the camps at Aldershott and Shorncliffe, and that the Secretary-at-War approves of your ordering at all times the purchase of such things as you may consider necessary.

The bill is returned herewith.

I have, &c.,
(signed) *B. Hawes.*

The Director-General
Army Medical Department.

(Correct Copy, *H. P.*)

Appendix, No. 4.

Appendix, No. 4.

2.

Sir, Army Medical Department, 26 April 1856.

I HAVE the honour to forward, for the consideration of the Minister for War, the enclosed Memorial of the Army Medical Officers serving in the Crimea; together with a copy of a letter from Sir J. Hall, K.C.B., Inspector-general of Hospitals, giving cover to it.

I feel, as I expressed in my letter of the 29th October last, and in the documents which accompanied it, that the Army Medical Officers have a fair claim to what they solicit.

During the first year of the war, they had to encounter many difficulties and to contend with great disadvantages; but in proportion as those were removed, and moderate facilities afforded them, so did their efficiency increase; and now the medical arrangements are all that any state can desire, and, I do not hesitate to assert, superior to any that have ever been witnessed, either in the British army or in that of any other country.

I state this deliberately, in the perfect conviction that I am not affirming more than I can prove. Hence, I assume, it will not be considered unnatural that I should earnestly entreat the powerful support of his Lordship in behalf of the prayer of the memorialists.

I have, &c.
(signed) *A. Smith,*
Director-General.

The Under Secretary of State for War,
&c. &c. &c.
War Department, Whitehall Gardens.

Petition of Medical Officers to Her Most Gracious Majesty.

Sir, Head Quarters, Camp, Crimea, 12 April 1856.

THE medical officers of this army have addressed a humble petition to Her Majesty, praying that She will be graciously pleased to cause the warrant for improving the status and pay of the officers of the Medical Department of the Army, which was approved and recommended by the Minister of State for War, and disallowed by the Lords Commissioners of the Treasury, to be reconsidered by their Lordships.

Of the provisions of this warrant I am personally in utter ignorance, and know not whether it has been wholly, or only in part, rejected by the Lords Commissioners of the Treasury; but to you, who must be better informed on the subject, I forward the enclosed, knowing well, from the energetic manner in which you have already exerted yourself for the good of the department, that what is proper and expedient in the matter will be efficiently carried out by you.

Though I am ignorant of the provisions of the warrant for benefiting the medical officers of the army, I cannot plead the same to their laborious and unwearied exertions; and I am happy in having an opportunity of bearing testimony to their merit, which I can very fairly and conscientiously do, having witnessed, without a single day's interruption, their labours for the last year and three-quarters.

I have, &c.
(signed) *John Hall,*
Inspector-General of Hospitals.

Dr. Andrew Smith,
Director-General Army Medical Department.

A MEMORIAL from the undersigned ARMY MEDICAL OFFICERS serving with the British Army in the East, to the QUEEN'S Most Gracious MAJESTY.

Humbly sheweth,

THAT some months ago a large number of their body respectfully submitted to the consideration of Your Majesty's Secretary of State for War certain points, with respect to their pay and status, in which they conceived that they laboured under disadvantages which it was desirable to remove.

Your memorialists with satisfaction received the assurance that Your Majesty's Secretary of State for War, and the Director-general of Your Majesty's Army Medical Department, were impressed with a conviction that it was desirable to make the army surgeons' condition better than it had hitherto been, and it was announced to Your Majesty's Commons that a warrant,

a warrant, having in view the amelioration referred to, had been sent from the War Office, recommended by Your Majesty's Secretary of State for War, to Your Majesty's Treasury.

Your memorialists have since learned with regret that notwithstanding that statement, publicly and officially made, the Commons were informed by Your Majesty's responsible Minister of Finance, just before the conclusion of peace, that Your Majesty's Treasury had not thought it consistent with their duty to accede to its adoption.

Your memorialists therefore beg to submit for Your Majesty's gracious consideration,

That Your Majesty be graciously pleased to cause further inquiry to be made into their alleged grievances, with a view, if found just, to their being redressed.

And they venture to express a hope, that the reports which have been furnished to Your Majesty respecting the manner in which your memorialists have performed their professional duties throughout the trying period of the late war, may have been such as to induce Your Majesty to lend a favourable ear to their respectful appeal and memorial.

And your memorialists will, as in duty bound, ever pray.

Camp, Sevastopol, 11 April 1856.

Highland Division.

T. G. Logan, Deputy Inspector-general of Hospitals.
Robert Smith, 1st Staff Surgeon.

W. C. Seaman, M.D., Surgeon, 72d Highlanders.
Edmund H. Roberts, Assistant Surgeon, 72d Highlanders.
Theodore William Rutter, M.D., Assistant Surgeon, 72d Highlanders.

R. B. Smyth, Assistant Surgeon, 1st Royals.
Angus J. Mackay, M.D., Assistant Surgeon, 2d Battalion, Royal Regiment.
Thomas Knox Birnie, Assistant Surgeon, Royal Regiment.

Thomas Parr, Staff Surgeon, 2d C., in medical charge 2d Battalion, 1st Royal Regiment.
Robert Atkinson, Assistant Surgeon, Royal Regiment.
Charles B. Hearn, Surgeon, Royal Regiment.
Alexander Reid, Staff Assistant Surgeon.

Archibald William P. Pinkerton, M.D., Staff Assistant Surgeon.

T. M. Sunter, S. S., 2d Class.
William Alexander Mackinnon, Assistant Surgeon, 42d Royal Highlanders.
Alexander Maclean, Assistant Surgeon, 42d Royal Highlanders.

T. G. Scot, M.D., Surgeon, 79th Highlanders.
James N. Bell, M.D., Assistant Surgeon, 79th Highlanders.
Andrew K. Drysdale, Assistant Surgeon, 79th Highlanders.
Edward Menzies, 2d C. S. Surgeon.

S. B. Roe, M.D., 92d Highlanders.

James M. Beatty, S. A. S.
William Munro, M.D., Surgeon, 93d Highlanders.
Robert Menzies, Assistant Surgeon, 93d Highlanders.
W. H. Pollard, Assistant Surgeon, 93d Highlanders.
J. Snelden Furlong, M.D., Surgeon, 42d Royal Highlanders.
Alfred Hooper, Assistant Surgeon, 42d Royal Highlanders.

Light Division.

T. Alexander, Inspector-general.

Ed. J. Burton, M.D., S. S. First Class.
J. Fraser, M.D., Surgeon, Second Battalion Rifle Brigade.
John B. C. Reade, Assistant Surgeon, Second Battalion Rifles.
Geo. H. Finlay, Assistant Surgeon, Second Battalion Rifles.
J. L. Brown, Assistant Surgeon, Rifle Brigade.

T. Moorhead, M.D., Surgeon, 7th Royal Fusiliers.
T. Egerton Hall, B.A., Assistant Surgeon, Royal Fusiliers.
Charles Ricketts, Assistant Surgeon, Royal Fusiliers.
Thomas Sheehy, M.D., Royal Fusiliers.

W. M. Muir, M.D., Surgeon, 33d Regiment.
John Ogilvy, M.B., Assistant Surgeon, 33d Regiment.
Thomas Clark, Assistant Surgeon, 33d Regiment.
J. Vernon Seddall, M.D., Assistant Surgeon, 33d Regiment.

W. Godfrey Watt, Surgeon, 23d R. W. Fusiliers.
Henry T. Sylvester, M.D., Assistant Surgeon, 23d Fusiliers.

Appendix, No. 4.

Charles Frederick Morris, Assistant Surgeon, 23d R. W. Fusiliers.
T. S. Hollingsworth, Staff Assistant Surgeon, attached to 23d R. W. Fusiliers.

Thomas Longmore, Surgeon, 19th Regiment.
W. Marshall Webb, Assistant Surgeon, 19th Regiment.
Exham Long Hiffernan, Assistant Surgeon, 19th Regiment.
Sam. J. Bayfield, Assistant Surgeon, 19th Regiment.

John Dunlop, M. D., Surgeon, 88th Regiment.
T. R. Williams, M. B., Assistant Surgeon, 88th Regiment.
William Harris, Assistant Surgeon, 88th Regiment.
R. W. Meade, Assistant Surgeon, 88th Regiment.

E. J. Franklyn, Surgeon, 77th Regiment.
R. G. Burton, M. D., Assistant Surgeon, 77th Regiment.
W. T. Paliologus, Assistant Surgeon, 77th Regiment.
Thomas Stawell Barry, Assistant Surgeon, attached to 77th Regiment.

Robert W. Jackson, Assistant Surgeon, 90th L. I.
Douglas Arthur Reid, M. D., Assistant Surgeon, 90th L. I.
Charles Robert Nelson, Assistant Surgeon, 90th L. I.

P. H. E. Cross, Surgeon, 97th Regiment.
J. H. Porter, Assistant Surgeon, 97th Regiment.
Edward M. Sinclair, M. D., Assistant Surgeon, 97th Regiment.
Allen Bryson, M. D., Assistant Surgeon, 97th Regiment.

R. J. Worthington, Assistant Surgeon, 34th Foot.
W. Haward, Assistant Surgeon, 34th Foot.
E. M. Wrench, Assistant Surgeon, 34th Foot.

Grahame Young, Assistant Surgeon, 60th Rifles.
Alfred M. Tippetts, S. A. S.

J. Ewing, Staff Surgeon, 2d Class.
George Baly, Staff Assistant Surgeon.
George Peacocke, M. D., Staff Assistant Surgeon.
Cyrus O'Daniell, Assistant Surgeon, attached to R. A.

First Division.

J. E. Williams, Deputy Inspector-general of Hospitals.
William Sall, M. D., Staff Surgeon, First Class.
J. Skelton, Battalion Surgeon, Coldstream Guards.
George E. Blenkins, Surgeon, Grenadier Guards.
Robert Thornton, Surgeon, 9th Regiment.
W. T. Hoskin, Surgeon, 31st Regiment.
D. P. Barry, Surgeon, 13th Light Infantry.
William Deeble, Surgeon, 56th Regiment.

Henry J. H. Lawrence, Assistant Surgeon, Grenadier Guards.
Constantine Read, Assistant Surgeon, Grenadier Guards.
Frederick Gust Hamilton, Assistant Surgeon, Grenadier Guards.
A. G. Elkington, Assistant Surgeon, Scots Fusilier Guards.
Francis B. Baker, Assistant Surgeon, Scots Fusilier Guards.
George Perry, Assistant Surgeon, Scots Fusilier Guards.
Charles Moore Jessop, Staff Assistant Surgeon.

T. L. Rogers, Assistant Surgeon, Coldstream Guards.
F. Bowen, M. D., Assistant Surgeon, Coldstream Guards.
John Wyatt, Assistant Surgeon, Coldstream Guards.
W. Grantt, Assistant Surgeon, 31st Regiment.
Thomas J. Atkinson, Assistant Surgeon, 21st Regiment.
J. Meane, Staff Assistant Surgeon.
Robert Henry Beale, Staff Assistant Surgeon.
William Brown, M. D., Assistant Surgeon, 13th Light Infantry.
John N. Shipton, Staff Assistant Surgeon.
P. N. Jackson, Assistant Surgeon, 13th Light Infantry.
Robert Turner, Acting Assistant Surgeon.
F. W. Knox, Assistant Surgeon, 56th Regiment.
D. Campbell Taylor, M. D., Assistant Surgeon, 56th Regiment.
S. S. Skipton, M. D., Assistant Surgeon, 56th Regiment.

Medical Officers of the Second Division.

Medical Staff.

Francis Reynolds, Staff Surgeon, 2d Class.
John H. Robotham, Staff Assistant Surgeon.

Royal

Royal Artillery.

G. P. M. Woodward, M. D., Assistant Surgeon.
Thomas Wyly, B. A., Acting Assistant Surgeon.

3d Buffs.

J. Burke, Surgeon, the Buffs.
Thomas Teevan, Assistant Surgeon, the Buffs.
Theo. Dolan, Assistant Surgeon.

30th Regiment.

R. R. Dowse, Surgeon, 30th Regiment.
Bradford Stiles, Staff Assistant Surgeon, Attached.
William R. Brock, Acting Assistant Surgeon, Attached.

41st Regiment.

J. E. Scott, M. D., Surgeon, 41st Regiment.
Frederick T. Abbott, Assistant Surgeon, 41st Regiment.
A. D. Gulland, Assistant Surgeon, 41st Regiment.
R. Hungerford, Assistant Surgeon, 41st Regiment.

47th Regiment.

William Walter Weld, Surgeon, 47th Regiment.
William Alexander White, M. D., Assistant Surgeon, 47th Regiment.
Henry Grange, Assistant Surgeon, 47th Regiment.

49th Regiment.

J. H. Bews, Surgeon, 49th Regiment.
James Hannan, Assistant Surgeon, 49th Regiment.
John Adrien, Assistant Surgeon, 49th Regiment.
William Menzies Calder, Assistant Surgeon, 49th Regiment.

55th Regiment.

Ethelbert H. Blake, M. D., Surgeon, 55th Regiment.
W. J. Rendell, Assistant Surgeon.
J. Folliott, Acting Assistant Surgeon, Attached to Head Quarters, Second Division.

62d Regiment.

Dudley Hanley, M. D., Surgeon, 62d Regiment.
J. E. Young, M. D., Assistant Surgeon, 62d Regiment.
Sydney Alder, Assistant Surgeon, 62d Regiment.
H. J. Randell, Assistant Surgeon, 62d Regiment.

95th Regiment.

Stanhope H. Fasson, M. D., Surgeon, 95th Regiment.
Robert Ferguson, Assistant Surgeon, 95th Regiment.
Jno. Clarke, Assistant Surgeon, 95th Regiment.
G. M. Swinhoe, Assistant Surgeon, 95th Regiment.

Third Division, and General Hospital in Camp.

J. R. Taylor, Deputy Inspector-general.
J. Mouat, Deputy Inspector-general.
Geo. G. Robertson, M. D., 1st Class Staff Surgeon.
R. V. De Lisle, Surgeon, 4th K. O. Regiment.
James Ekin, M. B., Assistant Surgeon, 4th K. O. Regiment
John Erskine, M. D., Assistant Surgeon, 4th K. O. Regiment.
A. Hawkins, Assistant Surgeon, 4th Foot.
W. M. Dowding, Staff Surgeon, 2d Class.

Thomas Crawford, M. D., Surgeon, 18th Regiment.
Edward C. Ryall, Assistant Surgeon, 18th Regiment.
John Ray Philip, M. B., Assistant Surgeon, 18th Regiment.

B. W. Marlow, M. D., Surgeon, 28th Regiment.
W. H. Brice, A. B., Assistant Surgeon, 28th Regiment.
C. G. Irwin, Assistant Surgeon, 28th Regiment.

Frederick Wall, Surgeon, 38th Regiment.
Digby W. Lawlor, Assistant Surgeon, 38th Regiment.
J. H. Lewis, Assistant Surgeon, 38th Regiment.
W. Younge Jeeves, Assistant Surgeon, 38th Regiment.

John H. Ross, Assistant Surgeon, 39th Regiment.
James Mee, Surgeon, 44th Regiment.
John Johnson, Assistant Surgeon, 44th Regiment.

Appendix, No. 4.

Philip S. Warren, M. D., Surgeon, 50th Regiment.
Edward G. Noott, Assistant Surgeon, 50th Regiment.
Geo. F. Davis, Assistant Surgeon, 50th Regiment.

George J. King, A. B., M. B., Staff Surgeon, 2d Class.

J. Wells, Assistant Surgeon, 89th Regiment.
Matthew Combe, M. D., Staff Surgeon, 2d Class.
W. Fletcher, Assistant Surgeon, Medical Staff.
P. J. Clarke, Staff Surgeon, 2d Class.
J. Read, Acting Assistant Surgeon.

Fourth Division.

T. D. Hume, Deputy Inspector-general.
J. Bent, Staff Surgeon, 1st Class.

48th Regiment.

Augustus Shelton, M. B., Surgeon, 48th Regiment.
P. M'Dermott, M. B., Assistant Surgeon, 48th Regiment.
W. Hemphill, M. D., Assistant Surgeon, 48th Regiment.

63d Regiment.

Henry Crisp, Surgeon, 63d Regiment.
W. Wilson Mills, Assistant Surgeon.
P. J. Hoey, Assistant Surgeon.

68th Regiment.

Alexander Johnstone, M.D., Assistant Surgeon, 68th Regiment.
Edward Young Kellett, Assistant Surgeon, 68th Regiment.
Augustus P. M. Corbett, M.D., Assistant Surgeon, 68th Light Infantry.

57th Regiment.

W. H. MacAndrew, M.D., Surgeon, 57th Regiment.
M. J. Griffin, Assistant Surgeon, 57th Regiment.
W. Ferguson, 57th Regiment.

21st Regiment.

James C. Smith, Assistant Surgeon, 21st Regiment.
Arthur J. Greer, Assistant Surgeon, 21st Regiment.
John H. West, M.D., Assistant Surgeon, 21st Regiment.

20th Regiment.

Edward Howard, Surgeon, 20th Regiment.
Rowland Winburn Carter, Assistant Surgeon, 20th Regiment.
Richard Wolseley, Assistant Surgeon, 20th Regiment.

17th Regiment.

W. P. Ward, Surgeon, 17th Regiment.
T. Gordon Bone, M.D., Assistant Surgeon, 17th Regiment.
Walter M. Gibaut, Assistant Surgeon, 17th Regiment.

Rifle Brigade, First Battalion.

Robert Bowen, Surgeon, Rifle Brigade.
W. Purcell Williams, Assistant Surgeon, 1st Battalion, Rifle Brigade.
F. De Chaumont, M.D., Assistant Surgeon, 1st Battalion, Rifle Brigade.

46th Regiment.

Vere Webb, Surgeon, 46th Regiment.
C. C. Dempster, Assistant Surgeon, 46th Regiment.
Ralph Robert Scott, Assistant Surgeon, 46th Regiment.

Land Transport Corps.

J. W. Shiell, M.B., Staff Assistant Surgeon.
William Ramsay, M.D., Staff Assistant Surgeon.
J. A. Fraser, M.D., Staff Surgeon, 2d Class.
J. G. Leask, Acting Assistant Surgeon.
David Gring, M.D., Staff Assistant Surgeon.
John Duggin, Staff Assistant Surgeon.

Balaklava Division.

Staff Surgeons, 1st Class.

G. S. Beatson, M. D., Principal Medical Officer.
Robert Templeton, P. M. O., Warren's Brigade.
W. Matthew, in Medical Charge Castle Hospital.

Surgeons.

Henry Huish, M. D., in Medical Charge General Hospital.
W. Chalmers, M. D., 14th Regiment.
G. Woodman, M. D., Surgeon, 39th Regiment.
J. P. Street, M. D., Assistant Surgeon, 39th Regiment.
H. D. Fowler, 82d Regiment.
George S. King, A. B., M. B., 89th Regiment, Staff Surgeon 2d Class, in Medical Charge of Hospital Transport.
Wellington W. W. Poole, Staff Surgeon 2d Class, ditto, ditto, "Severn."
J. M. S. Fogo, Surgeon, Royal Artillery.
James Jackson, S. S., 27, Castle Hospital.
George Williamson, M. D., ditto.

Assistant Surgeons.

Humphry Atkinson, General Hospital.
John C. Knipe - - ditto - ditto.
S. Roch, Assistant Surgeon, Royal Artillery.
John Martin Hyde, Assistant Surgeon, 14th Regiment.
William Henry Price, Assistant Surgeon, 14th Regiment.
O. B. Miller, 11th Hussars.
A. E. Jacob, M. R. C. S., Assistant Surgeon, 82d Regiment.
Jeffrey A. Marston, M. D., Staff Assistant Surgeon.
Thomas Mines, Staff Assistant Surgeon.
William Carte, M. B., D. S. Staff Assistant Surgeon.
A. M. Humphrey, M. B., Assistant Surgeon, 39th Regiment.
Thomas Rhys, Staff Surgeon, 2d Class.
William Stockwell, Staff Assistant Surgeon.
W. Rutherford, A. B., M. D., Staff Surgeon.
F. Holton, A. B., M. D., Assistant Surgeon, 2 C., Queen's Royal Regiment.
R. C. Elliot, sen., Surgeon.
Henry Briscoe, M. D., Surgeon, Royal Artillery.
Nathaniel Farley, Staff Assistant Surgeon.
Nathaniel P. Betts, Assistant Surgeon, R. A.
Thomas Tarrant, M. D., Assistant Surgeon, R. A.
Joseph Barker, Assistant Surgeon, Royal Artillery.
William Haughton, M. B., Trinity College, Dublin, Assistant Surgeon, Royal Artillery.
Edward Butt, Assistant Surgeon, R. A.
Randolph Webb, Assistant Surgeon, R. A.
Henry Clifford, Assistant Surgeon, Royal Horse Artillery.
A. Scott Fogo, M. D., Assistant Surgeon, Royal Horse Artillery.
W. G. N. Manley, Assistant Surgeon, R. A.
T. J. Orton, Assistant Surgeon, R. A.
B. Tydd, Assistant Surgeon, 58th Regiment.
H. Hornsby Wright, M. D., Assistant Surgeon, R. A.

Land Transport Corps.

G. Taylor, Staff Surgeon, 1st Class.
W. T. Black, Staff Surgeon, 2d Class.
A. M'Arthur, M. D., Staff Surgeon, 2d Class.
J. Balfour Cockburn, M. D., Staff Assistant Surgeon.
Walter Leach, Staff Assistant Surgeon.
S. H. Dickerson, Staff Assistant Surgeon.
James Cruise, Assistant Surgeon.
William Henry Muschamp, S. A. S.
William Sharp.
Thomas Chaytor Beale, A. A. S.
John Wood, Staff Assistant Surgeon.
Daniel B. Huie, Staff Assistant Surgeon.
Thomas Norton Hoysted, A. A. Surgeon.
J. Lizars Lizars, A. A. Surgeon.
Robert A. Chapple, Assistant Surgeon, R. A.
N. Fowle Smith, M. D., Staff Surgeon, 2d Class.
T. Ligertwood, Assistant Surgeon, 40th Foot.
William F. D. Fabeck, Acting Assistant Surgeon.

Appendix, No. 4.

Memorial from the medical officers at Scutari, 16 April 1856.

Letter from Dr. Linton, forwarding memorial to principal medical officer, Crimea, 19 April 1856.

Sir, Army Medical Department, 12 May 1856.

WITH reference to my letter, dated the 25th ultimo, by which I forwarded a memorial from the military medical officers serving in the Crimea, I have the honour to transmit a supplement to that document from the medical officers at Scutari, in doing which I beg to state that I consider the observations I took leave to offer in forwarding the first mentioned memorial to be equally justifiable with regard to that now submitted.

I have, &c.
(signed) *A. Smith*,
Director-General.

Under Secretary of State, &c. &c. &c.,
War Department, Whitehall Gardens.

My dear Sir John Hall, Scutari, 19 April 1856.

I SEND you the memorial, which you will see has been verbally altered and improved; and which, if the others are of the same opinion, should I think be adopted instead of the rough copy of the one sent to us.

Believe me, &c.
(signed) *W. Linton.*

Sir John Hall, K. C. B., &c. &c. &c.,
The Crimea.

Scutari, 16 April 1856.

A MEMORIAL from the MILITARY MEDICAL OFFICERS, Serving with the British Army in the East, to the QUEEN'S most Gracious MAJESTY.

Humbly Showeth,

THAT some months ago a large number of their body submitted to the consideration of your Majesty's Secretary of State for War, certain points with respect to their pay, and status, in which they conceived that they laboured under disadvantages.

Your memorialists, with satisfaction, received the assurance that your Majesty's Secretary of State for War, and the Director-general of the Army Medical Department, were impressed with a conviction that it was desirable to make the position of the military medical officers better than it had hitherto been, and it was announced to your Majesty's House of Commons, that a warrant, having in view the object referred to, had been submitted by your Majesty's Secretary of State for War to your Majesty's Treasury.

Your memorialists have since learnt with regret that further proceedings with regard to this warrant have been stopped.

Your memorialists therefore most humbly beg your Majesty may be pleased to cause inquiry to be made into their grievances, with a view to their being redressed, and they venture to hope that the manner in which they performed their arduous professional duties throughout the trying period of the late war, has met with your Majesty's gracious approval, and may induce a favourable consideration of this their respectful memorial.

And your memorialists will ever pray.

W. Linton, M. D., I. G. H.
W. Cruickshank, D. I. G.
J. M. Hadaway, D. I. G.
A. S. Macdonell, D. I. G.
John Davies, Staff Surgeon, 1st Class.
J. S. Litle, Surgeon, Royal Artillery.
Thomas Park, Staff Surgeon, 2d Class.
J. Prendergast, M. D., Staff Surgeon, 1st Class.
John D. Healy, Staff Assistant Surgeon, 2d Class.
G. M. Slaughter, Staff Assistant Surgeon.
Thomas Guy, M. D., Staff Surgeon, 1st Class.
George M'Gusby Cawlon, Staff Assistant Surgeon.
Henry Downes, M. D., Staff Surgeon, 1st Class.
Robert Lawson, D. I. G.
William Odell, M. D., Staff Surgeon, 1st Class.
J. C. G. Tice, M. D., Staff Surgeon, 1st Class.
William L. Langley, M. D., Staff Surgeon, 1st Class.
Robert Cooper, Surgeon, 4th Dragoon Guards.
L. Armstrong, M. D., Assistant Surgeon, 13th Light Dragoons.
Robert F. Andrews, Assistant Surgeon, 1st Dragoon Guards.
J. Gorringe, M. D., Staff Surgeon, 1st Class.
C. Clark Rutherford, Assistant Surgeon, 2d Dragoons.
N. G. Trousdell, M. D., Surgeon, 5th Dragoon Guards.
W. Cattell, Assistant Surgeon, 5th Dragoon Guards.
David Cullen, M. D., A. S. 4th Light Dragoons.

G. A. Turnbull,

G. A. Turnbull, Surgeon, 12th Lancers.
F. H. Baxter, Surgeon, 6th Dragoons.
J. Macartney, Assistant Surgeon, 60th Rifles.
Oliver Barnett, Staff Assistant Surgeon.
S. M. Webb, M. D., Assistant Surgeon, 36th Regiment.
William Macnamara, Assistant Surgeon, 4th Dragoon Guards.
Frederic Roberts, Staff Surgeon, 1st Class.
J. H. Llewelyn, Surgeon, 2d Dragoons.
A. D. Horne, Surgeon, 13th Light Dragoons.
W. H. J. Vaine, M. D., Staff Surgeon, 1st Class.
William R. Grylls, Assistant Surgeon, 6th Light Dragoons.

MEDICAL OFFICERS' MEMORIAL.

Signatures of the Officers of the Hussar Brigade, Ismid.

George Anderson, Staff Surgeon, 1st Class.
A. Lockwood, Surgeon, 8th Hussars.
W. H. Massey, M. D., Surgeon, 17th Lancers.
Thomas Fraser, M. D., Surgeon, 10th Hussars.
Jos. Kendall, M. D., Surgeon, 4th Light Dragoons.
Thomas Hunter, M. D., Staff Surgeon, 1st Class.

To the Right Honourable the Lord Panmure, Secretary of State for the War Department, &c. &c.

The MEMORIAL of the Undersigned SURGEONS serving with the Army in the East.

Humbly showeth,

THAT we, surgeons of Her Majesty's army serving in the East, understanding that the state of the medical department is under the consideration of the Government, and believing that your Lordship and the Government have every disposition to remove any just grounds of grievance under which we may labour, as well as to extend to us a fair share of those honours and rewards which have of late been so liberally bestowed on all the other branches of the service, beg most respectfully to claim your Lordship's attention to several circumstances in our position, which we humbly conceive to be just and legitimate subjects of representation.

1st. In the first place, we consider it to be fair and reasonable that active service in the field should reckon towards promotion, as also retirement, above and over the same period passed in the colonies or at home. Some of the reasons for this claim, such as the risk of life, and exposure, so destructive to health, necessarily incidental to campaigning, are sufficiently obvious.

For some time past, more especially of late, surgeons have been brought to the Crimea from England, and from the most distant colonies, who, being slightly senior to ourselves who have been serving in the field, have been promoted over us. Thus we, who have undergone all the hardships of the campaign, and who have also acquired an amount of practical knowledge, which we fondly hoped would be our passport to promotion, are deprived of the advantages which, according to the established custom of the medical service, usually accrue to the seniors on a foreign station.

To remedy this grievance, we beg respectfully to suggest, that active employment in the field should reckon as equivalent to three times the amount of ordinary service, and that colonial service should also receive some consideration above that passed in Great Britain.

This principle is, we believe, recognised and acted upon in the other armies of Europe.

If this boon were granted, surgeons employed in the field would then feel that their exertions were appreciated and rewarded.

With regard to promotion, we trust your Lordship will not consider us presumptuous if we take the liberty of pointing out to you the necessity and expediency of some fixed principles being established, whereby it should be regulated.

We conceive it to be a grievance that civil practitioners should have been introduced to hold some of the higher appointments which might have been in the first instance offered to us, as their more legitimate claimants. While we frankly admit the necessity which recently existed for a large augmentation in the numbers of medical officers, and the value of the civil aid offered, we respectfully submit that we, the working members, were not implicated in the failure of the administrative management of the various staff departments, and, if equally competent, ought to have been preferred to civilians, having dedicated ourselves to the service of the state, and freely given our health and talents in all climates.

Had we been promoted and appointed to the charge of those hospitals which have been entrusted to civilians, the civil element co-operating with, but subordinate to us, we should have had no ground of grievance, but have cheerfully worked together. As it is, a reflection has been cast upon our competency, and men in most cases younger in years, junior to us in the profession, inexperienced in the habits and diseases of soldiers, and unused to maintaining

Appeddix, No. 4.

taining discipline, have been preferred to us, who in this campaign alone have acquired an amount of practical knowledge which could only have been amassed after many years of civil practice, and whose devotion to the soldiers amid the ravages of the cholera, the havoc of the battle field, and the rigours of a Crimean winter, led us to expect that we should have been the recipients of any boons the Government had it in its power to confer. Our vacancies could have been ably filled by the seniors in the list of assistant surgeons.

Considering the speedy and extraordinary promotion which is now taking place among our military brethren, and the great responsibility of a surgeon's position, we do not think it too much to ask for a step of rank (which need not necessarily remove us from our regiments), in order to keep pace with our brethren in arms, as well as to enhance our own influence.

We respectfully submit that a surgeon's relative rank should be that of a field officer after a certain amount of full pay service, nor would it be too much to expect a participation in those honorary rewards, from which at present we are virtually excluded, partly, we suppose, from an idea that we are members of a civil department, although exposed to the fire of the enemy in the execution of our duties.

We submit that we ought to be classed amongst the purely military branches, and reap our share of the honours accorded to them; the exclusion from which, in all campaigns, we most deeply feel.

4th. Our fourth subject of grievance we consider to exist in the smallness of our pay, especially when contrasted with that of our civil brethren.

Some of us, after serving 10 years, in all climates, on 7*s.* 6*d.* a day, and after 12 or 13 years' total service, including two campaigns, are now in the receipt of 13*s.* per diem. When your Lordship considers our arduous duties by day and by night, our exposure to disease and battle, and the heavy responsibility of having so many valuable lives entrusted to us, we feel confident that you will frankly concede that our remuneration is not commensurate with our trust, nor the position which we are expected to maintain; neither is it calculated to induce a sufficient number of men of the highest professional attainments to enter the army. We would beg to represent also that we are the only branch of Her Majesty's army which does not enjoy the full pay of a new rank until two years after obtaining it.

We would remind your Lordship, among the many boons recently conferred on our military brethren, of that provision made in the Royal warrant under which captains and others, after 21 years' service, can obtain retirement on full pay, with an additional step of rank, and humbly crave the same or an equivalent indulgence for ourselves: this principle is found to act advantageously in the Honourable East India Company's service. It is scarcely necessary for us to bring to your Lordship's notice that we enter the service from six to seven years later in life than our military brethren, a period devoted to the acquirement of military knowledge, and which, we humbly submit, gives us a stronger claim to a more early retirement.

The privilege to retire on full pay, after 21 years' service, would be considered by us a great boon, as we can now only claim 13*s.* a day after 25 years' actual service.

If space permitted, it could be demonstrated that this measure would be one of the readiest means of elevating the Medical Department, and insuring its perfection.

One great grievance among us is the difficulty, and almost the impossibility of obtaining leave of absence.

Some of us, after 14 years' service in the colonies, have been refused a few days' leave to visit our relatives and friends. We, therefore, submit that the medical should be entitled to leave of absence in like proportion with other officers.

These, my Lord, are the chief points which we think it necessary to submit to your consideration.

We trust you will see in them sufficient grounds for the liberty we have taken in presenting ourselves before you in the character of memorialists.

We rejoice that the war should have secured to our military brethren so many honours and rewards. We feel that a participation in similar advantages is but justly due to ourselves. We seek only a position more in consonance with the advanced state of medical science, and our own characters as members of an honourable and learned profession.

And your memorialists will ever pray,

Crimea, 10 August 1855. &c. &c. &c.

Cavalry Division.

A. P. Lockwood, Surgeon, 8th Hussars.
A. D. Home, Surgeon, 13th Light Dragoons.
F. H. Baxter, Surgeon, 6th Dragoons.
T. B. Brush, M.D., Surgeon, Scots Greys.
A. Forteath, M.D., Surgeon, Royal Dragoons.
H. Kendall, M.D., Surgeon, 4th Light Dragoons.
Robert Cooper, Surgeon, 4th Dragoon Guards.
Thomas Fraser, M.D., Surgeon, 10th Hussars.
H. H. Massy, M.D., Surgeon, 17th Lancers.

The

The following Cavalry Surgeons are absent from the Division.

5th Dragoon Guards.—Surgeon invalided to England.
6th Dragoon Guards.—Surgeon not arrived in the Crimea.
11th Hussars.—Surgeon on out-post duty.
12th Lancers.—Surgeon invalided to England.

With the above four exceptions, the Memorial has been signed by every cavalry surgeon present in the Crimea.

Staff Surgeons, Second Class, in the neighbourhood of the Cavalry Division.

T. M. Sunter, M.B., Staff Surgeon, 2d Class, attached to general hospital, Balaklava.
J. P. Matthew, Staff Surgeon, 2d Class, in charge of wounded, hospital, Balaklava.
William H. MacAndrew, M.D., Staff Surgeon, 2d Class.
J. A. Fraser, M.D., Surgeon, 2d Class, in charge of St. George's Monastery Sanitorium.

First Division.

Grenadier Guards.

George E. Blenkins, Surgeon, Grenadier Guards.

Coldstream Guards.

Surgeon absent on sick leave.

Scots Fusilier Guards.

Surgeon absent, sick.

Highland Brigade.

42d Royal Highlanders.

J. Smeldon Furlong, M.D., Surgeon, 42d Royal Highlanders.

71st Highlanders.

Detached at Kertch.

72d Highlanders.

W. C. Seaman, Surgeon, 72d Highlanders.

79th Highlanders.

Edward Menzies, 2d Class Staff Surgeon, in medical charge.

93d Highlanders.

Surgeon absent on sick leave.
P. H. E. Cross, Staff Surgeon, 2d Class, in medical charge.

Second Division.

Surgeon Hanley, 62d Regiment, on sick leave to Scutari.
J. Burke, A.B., Surgeon, 3d Regiment, "The Buffs."
William Rutherford, A.B., M.D., Staff Surgeon, 2d Class.
J. E. Scott, M.D., Surgeon, 41st Regiment.
John Davies, Surgeon, 49th Regiment.
R. R. Dowse, Surgeon, 30th Regiment.
Wm. Walter Weld, Surgeon, 47th Regiment.
Surgeon Crocker, 1st Foot, on sick leave to Scutari.
Surgeon Blake, 55th Regiment, on sick leave to England.
Surgeon Ivey, on sick leave to Scutari.

Third Division.

1st Brigade.

1st Royals, 1st Battalion, Staff Surgeon, 2d Class.
4th Foot, R. Delisle, Surgeon, 4th K. O. Regiment.
14th Foot, Surgeon Chalmers; absent on sick leave.
39th Foot, G. Woodman, M.D., Surgeon, 39th Regiment.
50th Foot, W. G. Trousdell, M.D., Surgeon, 50th Regiment.
89th Foot, R. Gilborne, Surgeon, 89th Regiment.

2d Brigade.

9th Foot, Rt. Thornton, Surgeon, 9th Regiment.
18th Foot, Surgeon Crawford; absent on sick leave.
28th Foot, B. W. Marlow, M.D., Surgeon, 28th Regiment.
38th Foot, Frederic Wall, Surgeon, 38th Regiment.
44th Foot, James Mee, Surgeon, 44th Regiment.

Appendix, No. 4.

Fourth Division.

Camp before Sebastopol, 9 August 1855.

D. R. M'Kinnon, A.M, M.B., Surgeon, 21st Fusiliers.
Vere Webb, Surgeon, 46th Regiment.
T. C. O'Leary, S. S., 2d Class (in charge 68th Regiment).
Augustus Shelton, M.B., Surgeon, 48th Regiment.
W. T. Ward, Surgeon, 17th Regiment.
Robert Bowen, Surgeon, 1st Battalion Rifle Brigade.
Henry Crisp, M.B., Surgeon, 63d Regiment.
Surgeon Dickson, 57th Regiment (resigned).

Light Division.

Rifle Brigade:—John Fraser, M.D., 2d Battalion Rifle Brigade.
19th Regiment:—Thomas Lingmore, Surgeon, 19th Regiment.
33d Regiment:—W. M. Muir, M.D., Surgeon, 33d Regiment.
90th Regiment:—R. C. Anderson, M.D., Surgeon, 90th Light Infantry.
77th Regiment:—E. J. Franklyn, Surgeon, 77th Regiment.
7th Royal Fusiliers:—T. Moorhead, M.D., Surgeon 7th Royal Fusiliers.
34th Regiment:—J. H. Dwyer, Surgeon, 34th Regiment.
97th Regiment:—Henry Downes, M.D. Surgeon, 97th Regiment.
88th Regiment:—John Dunlop, M.D., Surgeon, 88th Regiment.
23d, Surgeon on sick leave in England.

Army and Ordnance Medical Department,
29 October 1855.

Sir,

With reference to your letter of the 22d ultimo, transmitting to me a memorial from the Medical Officers of the Army in the East, and requesting, in returning it, that I would furnish you with such observations as may occur to me, I have the honour to submit certain memoranda for the information and consideration of the Minister for War.

The subject involved in the documents herewith returned, I felt was one of a comprehensive nature, and not to be treated hastily, I therefore resolved to consult the views of certain officers of the department whom I might see in the course of a few weeks, and obtain from them such information as they might be able to afford me. This course, which I thought it necessary under the circumstances to adopt, is the only excuse I can offer for having so long delayed to reply to your communication.

I have, &c.
(signed) *A. Smith*,
Director-General.

F. Peel, Esq., M. P., &c. &c. &c.,
War Department.

Proposed Rates of Pay of Assistant Surgeons.

On First Appointment.	After 5 Years' Service.	After 7 Years' Service.	After 10 Years' Service.	After 15 Years' Service.	
s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	
10 6	- -	- -	13 -	—	This Table, and the four which follow, show the various rates of pay which have been suggested to me by medical officers whose opinions I have obtained.
10 -	- -	12 6	—	—	
10 -	- -	11 -	13 -	15 -	
10 -	- -	- -	13 -	15 -	
10 -	13 -	- -	16 -	—	
10 -	12 6	- -	15 -	—	

When an assistant surgeon is placed on half-pay owing to reduction of establishment, or from being incapacitated by reason of ill-health contracted in and occasioned by service, or when disabled by wounds, he should be granted three-fourths of the rate of pay he is receiving when he is placed on the retired list or is reduced.

The majority are in favour of 10 *s.* and 13 *s.* per diem, (*Vide* Table, line 1), and all urge that the rank, quarters, and allowances of captain should be conceded to assistant surgeons above 10 years' service. My own opinion is in keeping with that of the majority.

PROPOSED RATES of PAY of REGIMENTAL SURGEONS and STAFF SURGEONS of the Second Class.

On Appointment as Surgeons.	After 10 Years' Total Service.	After 15 Years' Total Service.	After 17 Years' Total Service.	After 20 Years' Total Service.	After 25 Years' Total Service.
s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
15 –	- - -	17 –	19 –	21 –	25 –
15 –	17 –	19 –	- - -	22 –	25 –
15 –	18 –	22 –	- - -	25 –	—
20 –	- - -	25 –	- - -	30 –	—
15 –	- - -	20 –	- - -	- - -	25 –
15 –	20 –	- - -	- - -	25 –	—
16 –	- - -	21 –	- - -	26 –	—

When a regimental surgeon, or staff surgeon of the 2d class, is placed on half-pay owing to reduction of establishment, or from being incapacitated by reason of ill-health contracted in and occasioned by service, or when disabled by wounds, he should be granted three-fourths of the rate of pay he is receiving when he is placed on the retired list, or is reduced.

The majority are in favour of 15 *s.*, 20 *s.*, and 25 *s.* per diem, (*see* Table, line 6), with the advantage of increased rank after 15 years, as suggested in the memorandum relating to rank.

I think the rates proposed by the majority are not unreasonable.

PROPOSED RATES of PAY for STAFF SURGEONS, 1st Class.*

On First Appointment.	After Total Service of		
	15 Years.	20 Years.	25 Years.
s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
25 –	- - -	30 –	—
30 –	- - -	- - -	35 –
20 –	25 –	28 –	30 –
21 –	25 –	28 –	32 –
25 –	- - -	28 –	30 –
20 –	25 –	30 –	—
20 –	- - -	25 –	30 –
30 –	35 –	40 –	—
25 –	30 –	35 –	—

When a staff surgeon of the 1st class is placed on half-pay, owing to reduction of establishment, or from being incapacitated by reason of ill health contracted in and occasioned by service, or when disabled by wounds, he should be granted three-fourths of the rate of pay he is receiving when he is placed on the retired list, or is reduced.

REMARKS.

* The designations, Staff Surgeons, 1st Class, and Staff Surgeons, 2d Class, are not acceptable to the department, and I must in reference to these designations observe, that I do not consider them as the best and most appropriate. I regard the term Surgeon-Major as preferable to Staff Surgeon of the 1st Class, and recommend its being substituted for the latter; in such case the Staff Surgeons of the 2d Class will simply be Staff Surgeons, by which designation they are desirous to be known, every one of them considering it a kind of degradation to have to sign 2d Class in contradistinction to 1st Class.

With reference to the pay of officers of this grade the majority are in favour of 25 *s.*, 28 *s.*, and 30 *s.* (*see* line 5), and I feel disposed to coincide in their opinion.

Appendix, No. 4.

PROPOSED RATES of PAY of DEPUTY INSPECTORS-GENERAL of HOSPITALS.

On Appointment.	After 20 Years' Service.	After 25 Years' Service.	After 5 Years as Deputy Inspector-General.	After 10 Years as Deputy Inspector-General.
s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
30 –	35 –	40 –	—	—
42 –	—	—	—	—
25 –	35 –	38 –	—	—
30 –	– – –	– – –	40 –	—
30 –	– – –	40 –	—	—
30 –	– – –	– – –	35 –	—
50 –	– – –	– – –	60 –	40 –
30 –	– – –	– – –	40 –	—
40 –	– – –	– – –	50 –	—

When a Deputy Inspector-general of Hospitals is placed on half-pay owing to reduction of establishment, or from being incapacitated by reason of ill-health contracted in and occasioned by service, or when disabled by wounds, he should be granted three-fourths of the rate of pay he is receiving when he is placed on the retired list, or is reduced.

REMARKS.

The majority in favour of 30*s.* and 40*s.* per diem, *see* line 5; this I think would be a fair remuneration.

PROPOSED RATES of PAY of INSPECTORS-GENERAL of HOSPITALS.

On Appointment.	After 25 Years' Service.
s. *d.*	
63 –	No increase.
45 –	50*s.*
50 –	No increase.
60 –	Ditto.
63 –	Ditto.
100 –	Ditto.

When an Inspector-general of Hospitals is placed on half-pay, owing to reduction of establishment, or from being incapacitated by reason of ill-health contracted in and occasioned by service, or when disabled by wounds, he should be granted three-fourths of the rate of pay he is receiving when he is placed on the retired list, or is reduced.

REMARKS.

The majority in favour of 60*s.* on appointment, without increase from length of service (*see* line 4), considering that ordinarily the number of Inspectors-general of Hospitals is very limited, and that these officers, in time of peace at least, are necessarily advanced in years before they attain that rank, I see no great reason to consider the rate as extravagant.

"The rates of daily pay for the before-mentioned ranks are to be, in future, regulated by the length of time which the officers of each class shall have served upon full pay, according to the annexed scale; provided always, that before any officer promoted shall be entitled to claim the full rate of pay for his aggregate length of service in all ranks, he shall serve for 12 months on the lowest rate of pay of his new rank, unless he had equal or higher pay in his former rank; in which case, his rate of pay shall be that next above his former pay, if he had already served thereon 12 months, as he is to complete that period on such rate of pay, under all circumstances, before he attains the next higher pay.

"All

"All medical officers, however, whose first appointment in the army took place on or subsequently to the 29th July 1830, are to serve two years instead of one year before they shall be entitled to the advantages above stated."—*Vide* War Office Regulations, 1848; Staff and Garrison Pay, page 47, paragraph 48.

Such medical officers as are affected by this regulation regard it a most unfair one, and all consider it should be rescinded. They think it a hardship that the increased rank and the full amount of pay of the rank are not simultaneously conferred.

The immediate advantages which follow on promotion under the existing Regulation are, in many cases, so trifling, that I feel it my duty to submit that the full rate of pay, as regulated by length of service, should be at once allowed, instead of not till after officers have served two years in the new rank.

Quarters and Allowances.

Quarters.—Medical officers, when supplied with quarters by the public to have a choice according to their relative ranks, and the allowance of coals and candles to be regulated by the same.

Lodging Money.—The rates of lodging money at present established to be continued generally, but regimental assistant-surgeons after 10 years' service to receive the amount of lodging money granted to captains. Further, medical staff officers quartered in London, where lodgings are very expensive, to have an extra allowance, as is the case, I believe, in the Ordnance Department.

Servants.—The number allowed to medical officers to be determined according to their relative rank; that is, each medical officer to have the same number as is allowed to the military officers with whom he ranks.

Horses and Forage.—The observations in reference to servants will equally apply to the case of horses and forage allowance.

Forage Allowance.

Surgeons of regiments should not have to pay a daily stoppage on account of the forage allowed them for their horses.

At present the surgeon of an infantry regiment is subjected to a deduction from his pay of 8½ *d.* per day in consideration of the forage he receives; whereas the Lieutenant-colonel, the Majors and the Adjutant, who are like him allowed forage, pay nothing. This appears an anomaly; if all require horses for the due discharge of their duties, it seems to me unreasonable that the surgeon should be differently treated to the combatant officers.

Allowances, pecuniary and others, to Medical Officers, Heads of their Department, in the Colonies or in the Field.

At present officers at the head of the Medical Department on foreign stations receive allowances at the undermentioned rates, when serving under the following circumstances, viz.:

If with an army in the field of 10,000 men or upwards - -	20*s.* per day.
If with an army in the field of 5,000 men or upwards - - -	15*s.* a day.
If - ditto - ditto - of any less number - - - -	10*s.* a day.
If serving in a colony where the forces consist of 1,500 men or upwards - - - - - - - - - - -	5*s.* a day.

I think there is no reason to interfere with the above rates.

Leave of Absence.

Each medical officer should be granted yearly six weeks' leave of absence, provided the circumstances of the service should admit; and regimental medical officers should not be required to pay a substitute to discharge their duties during the period.

A regulation has long existed to the effect that every regimental medical officer must certify, before he is allowed leave, that no expense to the public will be occasioned by his absence.

In consequence of this regulation, he is compelled to arrange with some qualified civil practitioner to discharge his duties, and thus in many instances incur a considerable expense. In this respect I have always considered that medical officers were unfairly treated; and they themselves have constantly viewed the exaction as a grievance, and never failed to

Appendix, No. 4.

remark on their disadvantageous position as compared with the military officers of their regiments. By the stringency with which the regulation has been enforced, I have even known medical officers after having returned from years of foreign service, have to secure civil practitioners to act in their stead, before they could proceed to visit their friends, or to transact private business, the necessity for which had arisen during their term of foreign service.

Arrangements, by which this disadvantage will be removed, are, in my opinion, required. If the circumstances of a medical officer should necessitate more than six weeks' leave, I think he might be required, without any great injustice, to incur the additional expense which would result from such extra absence.

Honorary Distinctions.

Medical officers should be recognised as entitled to honorary distinctions, and should receive them from time to time, according to circumstances.

A great proportion of the medical officers of the army earnestly desire to participate in the honorary distinctions which are from time to time conferred on the army by the Sovereign, and feel grieved and disappointed when they find that no amount of merit on their part secures for them the rewards and decorations which are regularly bestowed on officers of other branches of the service.

They regard the circumstance of their being almost entirely excluded from such honours as proofs that the services they render are considered of little value, and hence entitled to no rewards.

If honours of the kind in question be hereafter occasionally conferred, a general cause of disaffection will be removed, and the interest of the service in various ways promoted.

Funeral Honours.

The same funeral honours which are paid to deceased military officers should be paid to deceased medical officers, and the distinction which is now made between staff and regimental medical officers should be discontinued.

The regulations, as they exist, at present sanction a deceased medical officer of a regiment being buried with the military honours allowed to officers of his relative rank, whilst in the case of staff medical officers they limit the honours, by forbidding firing over their graves. This treatment has always been regarded by staff medical officers as an act of injustice; and not a few of them, when dying, from a dislike to have it supposed by soldiers that they were inferior to other officers, have requested to be buried privately. I think there are fair grounds for discontent in this respect, and I feel it my duty to recommend that every medical officer should be buried with the military honours that attach to his relative rank. With reference to this, I may state what is at present liable to occur: two brothers enter the medical department on the same day; both are appointed to regiments, and after a certain period of service, both are promoted to be surgeons, the one in his regiment, the other on the staff; both die shortly afterwards; the one who continued in the regiment is buried with full military honours; the other is carried to the grave, like his brother, by soldiers, but no firing takes place.

The Medical Department to be regarded as a Military, not a Civil Branch of the Service.

Hitherto the circumstance of medical officers being regarded as members of a civil branch of the service has caused considerable discontent, and their being classed as such occasioned some difficulty about four years ago, when it was decided that a small number of officers should be allowed Orders of the Bath. On that occasion, it was urged that the Orders should be of the civil, not of the military branch; but the endeavour to establish that was productive of such chagrin and discontent, that it was, I believe, judged politic to abandon the proposition.

Had an opposite decision been arrived at, I believe several, if not all, of the officers on whom Orders were conferred would have respectfully declined to accept them.

In remarking on this subject, I may state, the medical officers, in wishing to be regarded as a quota of the military body, are justified, I think, by the circumstance that in times of war they are scarcely less exposed to dangers and loss of life than their military brethren; and I suspect, were a searching investigation to be made, it would be found that the proportion of casualties among the doctors was not much below that amongst the combatant officers.

Again, in times of peace, the danger to life in the case of the doctors is certainly as great, if not greater than in that of the combatant officers.

Mixed Boards, Courts of Inquiry, and Courts Martial.

In all Mixed Boards, Courts of Inquiry, or Courts Martial, on which Medical Officers are required to sit, they should be detailed in orders, sit, and sign proceedings in the order of precedence attaching to their relative rank and seniority, and on no occasion should a medical officer be required to sit on any of the above under the presidency of a military officer of inferior relative rank.

The existing practice requiring medical officers, when called on to discharge duties of the above description to sign last, whatever may be their rank, and also to give their vote first, is certainly calculated to cause them to feel they are regarded as inferior to combatant officers. A staff surgeon of the first class, who has the relative rank of a field officer, was, I believe, some years ago required in the Mauritius to sit as a member of a court martial, under the presidency of a lieutenant, and to give his vote first, thereby stamping him the junior member. A similar case, I believe, also occurred some time ago on the Western Coast of Africa, and many others of a like kind might be adduced. So long as medical officers are treated in this manner, none of that feeling will exist which is so essential to the maintenance of harmony and the promotion of the public good.

If medical officers are regarded eligible to sit on boards, courts of inquiry, or courts martial, it is but reasonable they should have the consideration which they expect their relative rank should ensure them. Unless in military matters of a purely technical nature, medical officers of the service will probably be found as competent as military officers to superintend an investigation, and discover that which it is the object of the inquiry to elicit.

Rank.

Assistant-surgeons under 10 years' service as lieutenants, according to date of commission.

Assistant-surgeons above 10 years' service as captains, but junior of the rank.

Surgeons under 15 years' service as captains, according to date of commission.

Surgeons above 15 years' service as majors, but junior of the rank.

Staff surgeons of the first class, under 20 years's service as majors, according to date of commission.

Staff surgeons of the first class, above 20 years' service, as lieutenant-colonels, but junior of the rank.

Deputy inspector-general, under 25 years' service, as lieutenant-colonels, but junior of the rank.

Deputy inspector-general above 25 years' service, as colonels, according to the date of commission.

Inspectors-general, as brigadier-general, according to date of commission.

Retirement of Medical Officers.

Medical officers of all ranks should have the unqualified right to retire, after 20 years' full-pay service, according to the following scale:

After 20 years' service, five-tenths of the pay to which they become entitled, immediately they have served 20 years.

After 25 years' service seven-tenths of the pay which is allowed to those who have completed that term of service.

The cry for a right of earlier retirement is very general, but I question if it be conceded, whether many will take advantage of it. By the time a man has served 20 years, his attachment to the army is generally strong, and he finds himself unsuited to embark in private practice, and consequently is inclined to cling to the life and kind of society to which he has been long accustomed, rather than encounter the *ennui* which is experienced by men without regular occupation. I think the period of compulsory service may safely be shortened; that is to say, the public purse will not suffer much loss if it be accorded.

A Step of Honorary Rank on Retirement from the Service.

This is much desired by medical officers, and so far as I can see, their wishes might be met without any loss to the public, as it would entail no additional expense, considering they would retire on the pay of the substantive rank they held when they left the department.

If it were to be conceded, it might be of use to them should they resort to private practice.

Appendix, No. 4.

Special and Meritorious Services.

When a medical officer is specially recommended by the senior military and medical officers under whom he is serving, on account of his having rendered highly valuable and important services, either in the field or during the prevalence of an epidemic, or on an occasion when more than ordinary exertions were required and were made in an unmistakeable manner, such recommendation should entitle him to reckon one year's service towards promotion and increase of pay, and the same for every subsequent special recommendation.

To warrant these advantages being conceded, the recommendation should be in most decided terms, and should contain a clause to the effect that it is offered with a view to secure to the officer recommended the reward which they know is conferred under certain circumstances.

There are at present serving in the Crimea several assistant surgeons of very short service, whose conduct on occasions of great danger attracted such marked attention, that did such a regulation exist they would be entitled to profit by it.

The expense to the public which will be occasioned if my proposition be entertained will be but trifling, and will be fully compensated by the advantages it will secure to the service.

A Limited Number (say Six) of the most Meritorious Officers of the Department to be styled Honorary Physicians and Surgeons to Her Majesty, say Three Physicians and Three Surgeons.

Remarks.

Medical officers consider this would raise the *status* of the department, and give it an *éclat* in the eyes of the profession and the public, which it does not at present possess, but which they consider it merits.

As honorary rewards are much desired and esteemed by the majority of men, I think one such as is proposed would operate advantageously if it could be consistently conferred. Precedents are not wanting.

"That active employment in the field should reckon as equivalent to three times the amount of ordinary service, and that colonial service should also receive some consideration above that passed in Great Britain."—*Vide* Surgeons' Memorial.

I cannot bring myself to consider that justice would be done the department if a rule such as this were to be established. I believe service in some of our colonies, particularly the West Coast of Africa, the West Indies, and Hong Kong, is nearly, if not quite, as destructive to health and as dangerous to life as service in the field, especially during the prevalence of severe epidemics. Another reason why I consider the extension of such a superior advantage to medical officers serving in the field would be an act of injustice is, that in the army officers are compelled to serve where they are ordered; therefore, the accident of some being on service in the colonies or in England, whilst others are in the field, is not the result of any act of their own, and therefore ought not to operate to their prejudice, the more especially as there are few of them who would not, if they had their choice, be with the army in the Crimea.

The medical officers whose opinions I have taken, do not approve the propositions of the surgeons in the Crimea.

I think the plan I have proposed for rewarding meritorious services is more in consonance with justice than the plan of the memorialists.

"For some time past, more especially of late, surgeons have been brought to the Crimea from England, and from the most distant colonies; and being slightly senior to ourselves who have been serving in the field, have been promoted over us."—*Vide* Surgeons' Memorial.

It would, in my opinion, be grossly unjust to confer on the medical officers serving with the army in the East every promotion that may be necessary to meet the wants of that army. All vacancies that have occurred in the East have been filled up, either directly or indirectly, by the promotion of officers serving with the army, but such as became necessary on the augmentations which have been successively made, have been conferred on men senior to those with the army, who at the time were in this country, or in localities where their services could be made available. I hold this, the course I have endeavoured to pursue, to be the fair one; and I think every person who has not a self-interest in advocating an opposite one, will agree with me, that it is the only one consistent with justice. I was gratified some time ago to receive a letter in reference to assistant surgeon Duff, which gave me distinctly to understand, that Lord Panmure wished to see the practice pursued, which

which I have from the commencement of the war observed, as far as I found it compatible with the interests of the service.

Medical officers who are not serving in the Crimea, naturally enough, are opposed to the plan advocated by the surgeons with the army; they consider they should not be debarred from a fair share of promotion, because they have not been ordered for service in the East; such, at least, are the sentiments of those with whom I have spoken on the subject.

"With regard to promotion, we trust your Lordship will not consider us presumptuous if we take the liberty of pointing out to you the necessity and expediency of some fixed principles being established whereby it should be regulated."—*Vide* Surgeons' Memorial.

A fixed principle is, as far as practicable, observed; seniority is the general rule, and is only inoperative when the interests of the service or of the department appear to render another practice necessary.

If the British army were concentrated in England, and all its medical officers were equally efficient, then promotion by seniority would be the course most consistent with justice, and would moreover be practicable; but as the reverse is the case, I think its universal adoption would operate most injuriously. If a regiment serving in England were to lose its surgeon, either by death or retirement, at a time when the senior assistant surgeon in the service was on duty in New South Wales, the regiment would, if a rule existed that he must succeed to the vacancy, be without a surgeon for nine or ten months, or even longer, and possibly during the whole of that time have only the medical aid which a very young assistant surgeon might be able to afford. Again: if a regiment serving in New Zealand were to lose its surgeon, and the senior assistant surgeon, the one entitled to succeed to the vacancy, were at the time serving in Canada, a longer period even than in the last case would elapse before that regiment would have the service of a surgeon. Again: if a regiment serving in the West Indies were to be assailed by yellow fever, and early after the outbreak its surgeon were to die and the labour and responsibility devolve on its assistant surgeon, one day junior to the senior assistant surgeon in the service who was on duty at the Cape of Good Hope, it would prove highly discouraging to this regimental assistant to find that, notwithstanding his anxieties and exertions, he must expect to continue in the rank he held during the epidemic, which had, perhaps, caused the death of a great portion of his regiment, and moreover serve under an officer only one day his senior, and who had never encountered more danger from climate than that to which he had been exposed in one of the most salubrious colonies of the Crown. I might instance many more objections to the adoption of seniority as an absolute rule; at the same time, I acknowledge it has such strong claims as to require that some compensation should be extended to those who suffer in cases in which it would be disadvantageous to observe it. The compensation I would propose is, that assistant surgeons who, for the sake of the service, may require to be passed over in promotion, should, when opportunities occur of advancing them, have their commissions antedated, and thereby give them the position among the surgeons of the service which they would have had provided circumstances had admitted their promotion when their standing gave them a claim to it; also, that immediately on the junior being promoted over them they should have the advantages proposed to be conferred on assistant surgeons of 10 years' service, namely, pay at the rate of 13*s.* a day and the rank of captain.

A like consideration to that which I have proposed for the assistant surgeons should, in my opinion, be extended to all the other grades of the department; and assuming that will be done, I recommend that the principles which regulate promotion at present should continue to be recognised, and that undeserving medical officers, whether from idleness, incompetency, or other causes, should, as has long been the case, be passed over, and others of a different stamp advanced.

I am aware that this will not be regarded by the sufferers as a sufficient equivalent for the loss they sustain, but I see no more equitable and less objectionable mode of dealing with cases of the kind.

General Observations.

In addition to what I have stated in the preceding memoranda, I may further observe, that many medical officers consider that a certain number of individuals of each of the grades in the department should be permitted to retire on full pay under the same regulations as is observed in the case of military officers; and further, that a certain sum of money should be granted, to be distributed as "Good Service Money."

Appendix, No. 5.

Appendix, No. 5.

COPY of Autograph Letter from Lord *Raglan* to Dr. *Dumbreck*.

My Dear Sir, Before Sebastopol, 13 February 1855.

I HAVE received your letter of the 26th January.

I am very sorry that, by an accident for which I cannot account, I omitted your name in my despatch, containing the names of the officers whose services deserved notice for their conduct, on the occasion of the battle of Inkerman.

The omission was perfectly unintentional on my part, and I regret it exceedingly, entertaining the highest respect and regard for you; and having always, since I became acquainted with you, considered that you were one of the most eminent officers of the medical department attached to this army.

I shall be happy if, at any future period, an opportunity should be afforded me of bringing your services under the notice of Her Majesty's Government.

I have, &c.
(signed) *Raglan.*

David Dumbreck, Esq.

(A true copy.)

(signed) *D. Dumbreck*, M. D.,
Deputy Inspector-general of Hospitals.

RETURN showing the Number of MEN of each Rank serving in the MEDICAL STAFF CORPS.

		Relative Rank in the Service.
Stewards - - - -	11	Serjeant-majors.
Wardmasters - - -	10	Colour-serjeants.
Assistant stewards - -	35	Serjeants.
Assistant wardmasters -	90	Corporals.
1st class orderlies - -	304	Privates.
2d class orderlies - -	730	Ditto.
Probationary cooks - -	8	Ditto.
TOTAL - -	1,188	

In addition to the above non-commissioned officers, four non-commissioned officers (old soldiers) were specially recommended to be attached for service at head-quarters on the 31st January 1856, viz.:

1 Serjeant-major or steward major.
1 Quartermaster steward.
1 Orderly-room clerk.
1 Paymaster's clerk.

Army Medical Department, 20 June 1856.

EXTRACT from the General Orders of the Army, dated Head Quarters before *Sebastopol*, 13th December 1854.

THE Inspector-general of Hospitals will take immediate steps to relieve Dr. Lawson from his present charge.

(By order.)
(signed) *J. B. B. Estcourt*,
Adjutant-general.

"Certified a true copy."
(signed) *R. P. Douglas*, A. A. G.

EXTRACT from the General Orders of the Army, dated Head Quarters before *Sebastopol*, 14th December 1854. Appendix, No. 5.

No. 4.—STAFF-SURGEON of the 1st class, Dr. Lawson, is attached to the Second Division.

(By order.)

(signed) *J. B. B. Estcourt,*
Adjutant-general.

"Certified a true copy."

(signed) *R. P. Douglas,* A. A. G.

EXTRACT from the General Orders of the Army, dated Head Quarters before *Sebastopol*, 15th January 1855.

No. 5.—DR. LAWSON, Deputy Inspector-general of Hospitals, will proceed to Scutari by the earliest opportunity, and report himself for duty to the principal medical officer.

(By order.)

(signed) *J. B. B. Estcourt,*
Adjutant-general.

"Certified a true copy."

(signed) *R. P. Douglas,* A. A. G.

Appendix, No. 6.

PAPER furnished by Dr. *A. Smith.* Appendix, No. 6.

MEMORANDUM for the Information of MEDICAL OFFICERS, on taking the Field for Active Service.

1. THE ambulance equipment for one division of the army, consisting of two brigades of three battalions each—the battalions being 800 strong, should consist of two large store waggons, to be under the care of a purveyor's clerk, at the head-quarters of the division. These waggons to contain a reserve supply of medicines, materials, medical comforts, tents, and bedding. Each battalion surgeon should have a pack horse for the conveyance of his instruments, a few medical comforts for immediate use; such as a bottle of brandy, ½ lb. of tea, 1 lb. of sugar, and 4 oz. of arrowroot, a few tins of essence of beef, some medicines, and a supply of surgical materials agreeably to the printed scale laid down in the regulations. A spring waggon should also be attached to each battalion for the removal of the wounded off the field, and for the conveyance of the hospital canteens, A. and B., with 12 sets of bedding, 10 canvas bearers, and the hospital marquee, on the line of march; or, when the spring waggons are either small, or required for the conveyance of sick and wounded, a reserve waggon might be attached to each brigade for the carriage of these articles.

Canvas bearers with long poles, and shoulder straps, in the proportion of two to every 100 men, will also be required.

2. Before a division takes the field, the principal medical officer should satisfy himself by personal inspection that the equipment of surgeons of regiments is complete in every respect, and it would be a necessary precaution for him to see the pack horses loaded in his presence, as by that means he would ascertain that no straps, buckles, or cords were wanting.

3. When an action with the enemy seems inevitable, the surgeon of each regiment will make arrangements for the removal of the wounded of his corps from the field; and it would be desirable for him to give some instructions to the bandsmen, and others employed in that duty, how to apply a field tourniquet, to restrain dangerous hemorrhage until the assistance of the medical officer on the field can be obtained; and for this purpose a tourniquet should be given to each party of bearers. The bearers should also each of them carry a canteen full of water.

Appendix, No. 6.

4. While the troops are advancing, the medical officers will follow with the spring waggons, and bearers, and any other conveyance that is available; but when they deploy, or form for action, all, except one medical officer per regiment, will move a short distance to the rear, out of musket range, and will prepare for affording aid to the wounded, and performing such primary operations as may be deemed absolutely necessary. For this purpose the surgical panniers must be brought up, and instruments, ligatures, dressings, and cordials (brandy) got ready, and, above all things, an abundant supply of water provided; for the safe and easy conveyance of which, the leather bags, or skins, formerly recommended would be found most convenient.

Dr. Hall takes this opportunity of cautioning medical officers against the use of chloroform, in the severe shock of serious gun-shot wounds, as he thinks few will survive where it is used. But as public opinion, founded, perhaps, on mistaken philanthropy, he knows is against him, he can only caution medical officers, and entreat they will narrowly watch its effects, for however barbarous it may appear, the smart of the knife is a powerful stimulant, and it is much better to hear a man bawl lustily, than to see him sink silently into the grave.

5. One medical officer for each regiment, generally the junior assistant surgeon, should follow the troops within musket range, so as to be at hand to check any alarming hemorrhage, and to expedite the removal of the wounded off the field to the rear, and for this purpose the bearers should be placed under his orders, and the regimental spring waggon be so stationed as to be within easy reach, to convey them to where the surgeon and his assistants have established themselves. The field assistant should carry with him in his haversack his pocket case of instruments, with a few ligatures ready cut, two field tourniquets, some lint, and two or three bandages; and he should be accompanied by three men, one with a knapsack, or haversack, containing a pint bottle of brandy, or some other stimulant, 24 bandages, half a pound of lint, three sponges, six long, and six short solid splints, two old sheets, cut into quarters before starting, for the purpose of rolling fractured limbs in, and so preventing them from sustaining further injury on the men's removal from the field. This is best accomplished by placing the old linen under the limb, and rolling the splint up in it from the outer edge, and rolling towards the limb on each side, and then securing the whole with two or three bands of tape. In this way Dr. Hall thinks medical officers will find they can temporarily secure fractured limbs better, and much more expeditiously than in any other manner. The orderly should have in his haversack, in addition to the above articles, a piece of tape, some pins, and two or three rolls of tow. He should carry a canteen, either of wood or India rubber, full of water, and a drinking cup. The second man should carry a canvas bearer with shoulder straps, and, like the former, should have a canteen full of water. The third man, I think, should be armed, to protect the party against stragglers and marauders, and, like his fellows, carry a canteen full of water. The second assistant surgeon should receive the wounded from the field, see them carefully placed in the spring waggon, and then accompany the spring waggon to where the surgeon and third assistant are stationed, ready to afford them the surgical aid they may require. For this service the second assistant surgeon should be accompanied by two men to assist in placing the men carefully in the waggon; these men should accompany the waggon, and assist, in like manner, in taking the wounded out. These men should likewise carry canteens full of water, and there should be a skin of water, as a reserve, in the waggon, with a drinking cup.

6. The site selected by the staff surgeon of brigade for the reception of the wounded from the field should be as sheltered as possible; and if not easily distinguished, a flag should be put up: and if any houses be near, calculated for the reception of wounded men, they should be taken possession of at once, and an abundant supply of water, and, if possible, straw, provided.

7. Should the action prove decisive, tents can be pitched for the temporary accommodation of the wounded; but should the army advance, the surgeon, and one assistant at least, should accompany their regiments, leaving one or two assistants, according to the number of wounded, to aid the divisional staff, who will pitch the reserve marquees, and make all necessary preparation for the comfort and accommodation of the wounded, by having tea, broth, or essence of beef, (which is readily made into broth by adding hot water,) wine, and brandy, &c., ready. Should the army unfortunately meet with a reverse, all available transport must be pressed for the removal of the wounded to the rear, and they must be sent off as speedily as possible; but neither here, nor on the field of battle, should any one be carried whose hurts are so slight as to admit of his walking. Nor should commanding officers of regiments when wounded be allowed to take medical officers of their own corps to the rear with them, or officers of any grade be permitted to appropriate the spring waggons for the special conveyance of themselves and their luggage; and positive orders should be given to prevent bandsmen, drummers, or pioneers, specially told off to assist the wounded, from being left in charge of officers' horses and effects.

8. Should the army have to effect a landing on an enemy's coast, with an opposing force to meet it, the men should eat a good meal before leaving the ships, and should cook whatever provisions it is deemed necessary to serve out to them before they start. Pork is better than beef for this purpose, as it warms up more readily with any vegetable the men may find on shore. The medical officers should land with the last boats of their regiments, and should carry with them their haversacks, dressings, and canvas bearers, if the landing be opposed, so as to be able to bring the wounded at once to the boats for conveyance to the ships

ships set apart for their reception; care should be taken that each boat employed in this service contains a supply of water and a drinking horn.

9. Should a landing be effected, and any horses be disembarked, the surgeon's pack horse and panniers should be amongst the first.

10. As soon after an action as possible, medical officers in charge of corps will make out and transmit to the Inspector-general of Hospitals, for the information of the General Commanding in Chief, returns of casualties, made out agreeably to the following form:—

RETURN of KILLED and WOUNDED in the Regiment, in the Action of .

——	Killed.	Wounded.			Total Wounded.	REMARKS.
		Dangerously.	Severely.	Slightly.		
Officers - -						Names of officers killed and wounded to be inserted here.
Non-com. officers and privates -						

John Hall, M. D., Inspector-general of Hospitals.

ANALYTICAL INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Paging at which they will be respectively found.

PAGE

ASSISTANT SURGEONS - 330
- *Cavalry* - 335
- *Discipline* - 341
- *Duties* - 344
- *Forage* - 347
- *Memorials* - 361
- *Number of Medical Officers* - 363
- *Pay* - 365
- *Promotion* - 367
- *Qualifications* - 368
- *Zeal and Efficiency* - 379

Boards of Inquiry - 331
- *Courts Martial* - 338

Bulgaria - 331

Cavalry - 335
- *Bulgaria* - 331
- *Confidential Reports*, 2 - 337
- *Forage* - 344
- *Memorials* - 361
- *Number of Medical Officers* - 363
- *Pay* - 365
- *Promotion* - 367

Chatham - 335
- *Lunatic Soldiers* - 356
- *Probation* - 366
- *Reid, Dr.* - 370

Civil Hospitals and Civil Practitioners - 335
- *Confidential Reports*, 3 - 337
- *Lyons, Dr.* - 356
- *Renkioi Hospital* - 370
- *Smyrna Hospital* - 376
- *Wells, Spencer* - 378

Commander-in-Chief - 336

Competition - 336
- *East India Company's Service*, 4 - 345
- *Examinations* - 346

CONFIDENTIAL REPORTS:
1. *Practice hereon in the Army Medical Department, generally* - 337
2. *Cavalry* - 337
3. *Civil Hospitals* - 337
4. *East India Company's Service* - 337
5. *Guards' Brigade* - 337
6. *Military Officers* - 337
7. *Navy* - 337
8. *Ordnance Medical Department* - 337
9. *Exceptions taken to the existing System* - 337

Commander-in-Chief - 336

Governing Body - 348

PAGE

Courts Martial - 338

Crimea - 338
- *Field Hospitals* - 347
- *Promotion* - 367
- *Zeal and Efficiency* - 379

Despatches - 340

Director-general - 341
- *Confidential Reports* - 337
- *Control* - 338
- *Governing Body* - 348
- *Military Secretary* - 363
- *Promotion* - 367

Discipline - 341
- *Civil Hospitals and Civil Practitioners* - 335
- *Commandants* - 336
- *Medical Staff Corps* - 360
- *Military Authority* - 362
- *Orderlies (Hospitals)* - 364

DISPENSERS:
1. *Explanation and Approval of the new System of Civilian Dispensers* - 341
2. *Rule, that the Medical Officers shall dispense; how observed* - 342
3. *Objections to the proposed general Employment of Civilians* - 342
4. *Approval of the System of Hospital Serjeants, &c.* - 342
5. *Propositions for the Training of Non-commissioned Officers or Privates* - 342
6. *Objections to the general Employment of Hospital Serjeants, &c.* - 343
7. *East India Company's Service* - 343
8. *Navy* - 343
9. *Ordnance Hospital, Woolwich* - 343
10. *Recommendations by the Committee* - 343

Coldstream Guards - 336

Grenadier Guards - 349

Hospital Serjeants - 351

Life Guards - 355

Scots Fusilier Guards - 371

Distinguished Services - 343
- *Despatches* - 340
- *East India Company's Service*, 2 - 345
- *Good Service Pensions* - 348
- *Honorary Distinctions* - 351

EAST INDIA COMPANY'S SERVICE: PAGE

1. *Pay, Retiring Allowances, Leave of Absence, &c., of Medical Officers; Advantage over the Queen's Service* - - - 344
2. *Deficiency in regard to Prizes and Honorary Distinctions* - - - - - - 345
3. *Inadequacy, numerically, of the Medical Staff* - - - - - - - - 345
4. *Competitive System of Examination; its Advantage* - - - - - - - 345
5. *Promotions from the lower Grades* - - 345
6. *Governance by means of a Board elected by Seniority; Amendment desirable* - - 345
7. *Views of Lord Dalhousie for an improved Administration* - - - - - 345
8. *Other Evidence of a general nature* - - 345

Confidential Reports, 4 - - - - - - 337
Dispensers, 7 - - - - - - - - 343
Rank and relative Position, 2 - - - - 369

EXAMINATIONS:

1. *Course of Examination on Appointment* - 346
2. *Suggestions for an improved System* - - 346

Competition - - - - - - - - 336
Probation - - - - - - - - 366
Promotion - - - - - - - - 367

Expenditure (Heads of Hospitals, &c.) - - - 347
Forage - - - - - - - - - 347
Foreign Service - - - - - - - - 347
Cavalry - - - - - - - - - 335

GOVERNING BODY:

1. *Preference given to the System of a Director-general over a System of a Medical Board* 348
2. *Evidence in favour of a Board* - - 348

Commander-in-Chief - - - - - - - 336
Control - - - - - - - - - 338
Director-general - - - - - - - 341
East India Company's Service, 6 - - - 345
Favouritism - - - - - - - - 347

Half Pay - - - - - - - - - 349
Leave of Absence - - - - - - - 354
Retirement, &c. - - - - - - - 370

Hall, Sir John, M.D., K.C.B. - - - - - 350
Inspector-general of Army in the East - - 353

Haslar Naval Hospital - - - - - - - 350

Honorary Distinctions - - - - - - - 351
Despatches - - - - - - - - 340
East India Company's Service, 2 - - - - 345

Hospital Serjeants - - - - - - - - 351
Coldstream Guards - - - - - - - 336
Dispensers - - - - - - - - 341
Grenadier Guards - - - - - - - 349
Life Guards - - - - - - - - 355
Scots Fusilier Guards - - - - - - 371

Hospital Stoppages - - - - - - - - 351

Hospitals, Internal Economy of - - - - 351
Chatham - - - - - - - - - 335
Civil Hospitals and Civil Practitioners - - 335
Dispensers - - - - - - - - 341
Expenditure (Heads of Hospitals, &c.) - - 347

Hospitals, Internal Economy of—continued. PAGE
Haslar Naval Hospital - - - - - - 350
Medical Staff Corps - - - - - - - 360
Orderlies (Hospitals) - - - - - - 364
Purveyors - - - - - - - - - 368

INSPECTOR-GENERAL OF THE ARMY IN THE EAST:

1. *Explanatory Statement hereon by the Director-general* - - - - - - 353
2. *Complaint by Dr. Burrell in regard to the Appointment* - - - - - - - 353
3. *Correspondence between the Director-general and Dr. Burrell* - - - 353

Davey, Dr. - - - - - - - - - 340
Hall, Sir John, M.D., K.C.B. - - - - - 350

Lawson, Dr. - - - - - - - - - - 354

LEAVE OF ABSENCE:

1. *Regulations hereon; their Severity* - - 354
2. *Suggestions for removing the Hardship* - 354

East India Company's Service, 1 - - - - 344
Study - - - - - - - - - - 377

Lunatic Soldiers - - - - - - - - 356
Coton Hall Lunatic Asylum - - - - 338
Yarmouth Lunatic Asylum - - - - 379

MEDICAL STAFF CORPS:

1. *Generally, as to the new Corps* - - 360
2. *Practice in regard to Enlistment and Qualifications* - - - - - - - 360
3. *Superintendence at the Depôt* - - - 361
4. *Probation and Discipline* - - - 361
5. *Proposition by the Duke of Cambridge* - 361
6. *Merits of the new Corps considered* - - 361

Orderlies (Hospitals) - - - - - - 364

Medicines and Medical Comforts - - - - 361
Bulgaria - - - - - - - - - 331
Crimea - - - - - - - - - 338
Expenditure (Heads of Hospitals, &c.) - - - 347
Transport of Medical Stores - - - - 377

Memorials - - - - - - - - - 361

Military Authority - - - - - - - - 362
Courts Martial - - - - - - - - 338
Rank and Relative Position - - - - 368

Number of Medical Officers - - - - - 363
Administrative Officers - - - - - 329
Cavalry - - - - - - - - - 335
Civil Hospitals and Civil Practitioners - - 335
Crimea - - - - - - - - - 338
Deputy Inspectors-general - - - - - 340
East India Company's Service, 3 - - - 345
Inspectors-general - - - - - - - 353
Leave of Absence - - - - - - - 355

Officers - - - - - - - - - - 364
Blood Money - - - - - - - - 330
Lodging Money - - - - - - - - 356

ORDERLIES (HOSPITALS): PAGE

1. *As to the working of the present System; Experience in the Crimea* - - - 364

2. *Advantage of Soldier Orderlies; Suggestions hereon* - - - - - - 364

Medical Staff Corps - - - - - - 360

Nurses - - - - - - - - 363

Ordnance Medical Department - - - - - 364

Confidential Reports, 8 - - - - - 337

Dispensers, 9 - - - - - - - 343

Promotions, 6 - - - - - - - 367

PAY:

1. *Inadequacy of the Remuneration, both in the Calvary and the Infantry* - - - 365

2. *Recommendations for an Increase of Pay, more especially of the Surgeons and Assistant Surgeons* - - - - 365

Civil Hospitals and Civil Practitioners - - 335

East India Company's Service, 1 - - - - 344

Half-pay - - - - - - - - 349

Inspectors-general - - - - - - 353

Memorials - - - - - - - 361

Military Officers - - - - - - 363

Navy - - - - - - - - 363

Private Practice - - - - - - 360

Retirement and Retiring Allowances - - - 370

Probation - - - - - - - - 366

PROMOTION:

1. *As to Promotion by Seniority* - - - 367

2. *As to Promotion by Selection* - - - 367

3. *Rules affecting Promotion; suggested Publication thereof* - - - - - 367

4. *Absence of Examination on Promotion* - 367

5. *Navy* - - - - - - - 367

6. *Ordnance* - - - - - - - 367

Commander-in-Chief - - - - - - 336

Confidential Reports - - - - - - 337

Dacres, Mr. - - - - - - - 339

Death Vacancies - - - - - - 340

Favouritism - - - - - - - 347

Foreign Service - - - - - - 347

Foreign Stations - - - - - - 347

Governing Body - - - - - - 348

Hall, Sir John, M.D., K.C.B. - - - - 350

PROMOTION—continued. PAGE

Inspector-general of Army in the East - - 353

Staff Surgeons - - - - - - - 376

Wilson, Mr. - - - - - - - - 379

Purveyors - - - - - - - - 368

Qualifications - - - - - - - - 368

Administrative Officers - - - - - 329

Competition - - - - - - - 336

Confidential Reports - - - - - 337

Diplomas - - - - - - - 341

Education - - - - - - - 346

Examinations - - - - - - - 346

Pay - - - - - - - - 365

Physicians - - - - - - - 366

Zeal and Efficiency of Medical Officers - - 379

RANK AND RELATIVE POSITION:

1. *Queen's Service* - - - - - 368

2. *East India Company's Service* - - 369

Boards of Inquiry - - - - - - 331

Military Authority - - - - - - 362

Renkioi Hospital - - - - - - - 370

Retirement and Retiring Allowances - - - 370

East India Company's Service, 1 - - - 344

Pay - - - - - - - - 365

Pensions - - - - - - - - 360

Service in the Field - - - - - - 372

Scotch Fusilier Guards - - - - - - 371

Servants - - - - - - - - 372

SHORNCLIFFE:

1. *Statement by the Director-general as to the Appointment and Removal of Dr. Menzies* 372

2. *Explanatory Statement by Dr. Menzies; Complaint as to the Difficulties of his Position* - - - - - - 372

Staff Surgeons - - - - - - - 376

Number of Medical Officers - - - - 363

Pay - - - - - - - - 365

Promotion - - - - - - - 367

Surgeons-Major - - - - - - 377

Subordinate Boards - - - - - - - 377

Transport of Medical Stores - - - - - 377

Yarmouth Lunatic Asylum - - - - - 379

Zeal and Efficiency - - - - - - - 379

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; those following *App. p.* to the Paging of the Appendix; and the Numerals following *Rep. p.* to the Paging of the Report.]

A.

ACTING ASSISTANT SURGEONS. Previously to the late war, there was no rank of acting assistant-surgeon, *Dartnell* 2079.——*See* also *Probation.*

Administrative Officers. There should be only two administrative officers, the inspectors and the deputy inspectors, *Mapleton* 1189-1195. 1254——Every administrative officer should have served twenty years, *ib.* 1210——Importance of administrative officers having been engaged in regimental duty; they should see about twenty-five years' service before appointment, *Martin* 1615. 1618——The number of inspectors and deputy-inspectors should be increased, *Dartnell* 2350-2360. 2383.

Age. Approval of the present age of candidates for the department, *Mapleton* 1103——In the navy the age for entry to the medical service is from twenty-two to twenty-six, *Sir J. Liddell* 4161.——*See* also *Retirement, &c.*

Agnis, John. (Analysis of his Evidence.) Has been assistant-surgeon for two years in the 3d Light Dragoons, 3505, 3506——Entered the army for the sake of seeing active service, having had a recommendation to Dr. Smith; does not intend to remain in it, on account of the lowness of the remuneration, 3507-3510. 3516. 3558. 3570, 3571——Mentions several public appointments which offer a far better prospect to medical men than the army does, 3511-3515.

Medical education and examination of witness previously to his coming forward for the army, 3517-3521——Supervision over and duties and studies of witness when on probation at Chatham, 3522, 3523. 3529-3533——Written rudimentary examination on entering the Army Medical Department, 3524-3528——Appointment of witness to the cavalry, direct from Chatham, 3534, 3535——Deductions and incidental expenses in the case of a cavalry assistant-surgeon; total expenditure of not less than 178*l.* against a salary of 155*l.*; 3536-3551.

Responsible duty of an assistant-surgeon of cavalry, generally with a detachment, 3552-3554. 3569——Short leave obtained by witness, 3555-3557——Less expenses of an infantry than of a cavalry assistant-surgeon, 3559-3562——Witness is not entitled to any leave, and in his absence is bound to pay for a substitute, 3564-3566——Approval of the system of hospital serjeants with their subordinates or orderlies, 3567, 3568——More trying examination and higher class of medical men in the East India Company's service than in the Queen's service, 3572-3574.

Airey, Major-General Sir Richard, K.C.B. (Analysis of his Evidence.) Is Quarter-master-general to the Forces; had previously had a long experience in different capacities, regimentally and on the staff, 4312-4315——Decided objection to a more military constitution of the medical department of the army, 4316-4319——Strong objection also to medical officers sitting on courts martial, 4319-4321——Usefulness of medical officers as members of Boards to inquire into localities for encampment, or into any matter affecting the health of the troops, 4322, 4323——Propriety of rendering it less difficult for medical officers to obtain leave of absence, 4324-4328.

Inadequacy of the present system of hospital orderlies, more especially as detracting from the effective strength of the regiments, 4329, 4330. 4338——Suggestion that orderlies be supplied by a corps to be drawn from the ranks of the regiment, and specially trained for the purpose, 4331-4339. 4394, 4395. 4533——Importance of military discipline in the case of the Medical Staff Corps, Army Works Corps, &c., 4340-4346——Remarks on the utter failure of the Ambulance Corps, consisting of pensioners, in the Crimea, 4347-4354——Very defective medical arrangements for the supply of the army when in Bulgaria, 4355-4367. 4374-4377——Official remonstrance by witness in Bulgaria, as to requisitions not having been complied with, 4358-4373——Short supplies of medicines, &c. in the Crimea till the spring of 1855; 4378-4382——Excellent conduct of

Report, 1856—*continued.*

Airey, Major-General Sir Richard, K. C. B. (Analysis of his Evidence)—*continued.*

of the medical men in the East, 4383, 4384. 4392, 4393——Causes of the deficiency of supplies, 4985-4391.

Disapproval of civilian dispensers as commissioned officers, 4396-4400. 4406, 4407——Adequacy and advantage of the system of dispensing by means of non-commissioned officers, 4401-4405——Witness never found any difficulty from the system of purveyors, 4408-4411——Advantages of the system of regimental hospitals over the system of general hospitals; this was constantly admitted by the French, 4412-4422——Disadvantage in the regimental hospitals having been short-handed, 4413. 4421-4423——Preference given to divisional over general hospitals, 4419, 4420.

Advantage of the French system of conveyance of the sick and wounded over the English system, 4426-4429——Propriety of medical officers having the same rank relatively as military officers, and being entitled to the same honours, 4431-4433. 4481. 4500, 4501. 4508-4516——Expediency of raising the pay and status of the medical officers, and of placing them on a par with the East India Company's servants, 4434-4448. 4481, 4482. 4494, 4495——Increase suggested in the medical staff, both of cavalry and infantry regiments, 4449-4454——Hardship to a certain extent, to the army medical officers in the appointment of civilians as heads of hospitals, 4455-4459. 4476-4480.

Nature of the communication between witness's department and the medical department, 4460, 4461——Desirableness of hospital accommodation for lunatic soldiers, 4462-4467. 4537——Satisfactory relative positions at present of the medical department, and of the War-office, 4468——Inadequacy of a Medical Board, as shown by experience, 4469-4471——Advantage if the Director-general had a military secretary, to be appointed by himself, 4472-4475.

Practice in regard to confidential military reports, adverted to with reference to confidential medical reports, 4483-4487——Objection to any distinction as regards stoppages between married and unmarried men in hospital, 4488-4490——Expediency of abolishing as much as possible the system of stoppages, 4490-4493. 4505. 4507——Explanation as to the medical men in the Crimea not having been provided with servants, 4496-4499——Desirableness of everything being found for the soldier in regimental and in general hospitals, 4502-4504——Propriety of hospital quarters for sick and wounded officers on return home, 4506. 4537, 4538.

Satisfactory character generally of the present examination of recruits, 4517——Necessity of the medical certificate in regard to the health of officers selling out, 4518, 4519——Expediency of frequently resorting to selection for promotion, 4520——Propriety of the Director-general being entrusted with the right of selection, subject however to the control of the Commander-in-chief, 4521-4532——Suggestions for the formation of an efficient ambulance corps, 4533-4537——Importance of removing the limitation in regard to the provision of hospital comforts by regimental surgeons, 4539-4542.

Aldershot. The chief medical officer at Aldershot should be a deputy inspector instead of a staff surgeon, *Dartnell* 2355.

Ambulance Corps. Causes of the failure of the Ambulance Corps sent to Varna; report by witness on the subject, dated 1 August 1854, *Lord de Ros* 2645-2657——Bad conduct and inefficiency of the pensioners, *ib.* 2645. 2648——Remarks on the utter failure of the first Ambulance Corps sent to the East, *Duke of Cambridge* 3721-3723; *Sir R. Airey* 4347-4354——Suggestions for the formation of an efficient Ambulance Corps, *Sir R. Airey* 4533-4537——Opposition made by witness to the employment of pensioners for the corps, *Smith* 4652, 4653.

Ambulances. Unfitness of the ambulance carts and waggons for removing the sick in Bulgaria, *Lord de Ros* 2651-2655——Inadequate means in witness's regiment for conveying the sick on the flank march, *Lord West* 2004——Advantages of the French system of conveyance of the sick and wounded, *Sir R. Airey* 4426-4429.

Appointments. See *Chatham. Davy, Dr. Examinations. Inspector-general of Army in the East. Lawson, Dr. Promotion. Reid, Dr. Shorncliffe.*

Assistant Surgeons. Control of the surgeon over the assistant surgeon; the treatment of the latter is generally not interfered with, *Mapleton* 1166-1171——Inadequate zeal and attention paid by the assistant surgeons to their duties in the Crimea, *Lord West* 1946-1950——Propriety of assistant surgeons being present when wine and medical comforts are administered, *ib.* 1948-1952——Advantage of assistant surgeons being in the first instance appointed to the staff, *Mackenzie* 3066, 3067.

See also *Cavalry. Discipline. Duties. Forage. Memorials. Number of Medical Officers. Pay. Promotion. Qualifications. Zeal and Efficiency.*

B.

Blood Money. Allowance termed "blood money" to wounded officers, with a view to medical attendance on arrival home, *Mapleton* 1382, 1383.

Board

Report, 1856—*continued.*

Board of Governance. See *Governing Body. Subordinate Boards.*

Boards of Inquiry. Institution most probably of a Medical Board of Inquiry in the event of an officer being strongly reported against to the Director-general, *Burrell* 841–844—— Instead of medical officers sitting on Boards of Inquiry into the quality of bread and meat, they should merely give evidence before such Boards, *Mapleton* 1341–1345. 1349–1352; *Lord de Ros* 2667; *Duke of Cambridge* 3651——Usefulness of medical officers as members of Boards, to inquire into localities for encampment, or into any matter affecting the health of the troops, *Sir R. Airey* 4322, 4323——Recommendations hereon by the Director-general, *App. p.* 319.——*See* also *Courts Martial.*

Bostock, John Ashton. (Analysis of his Evidence.)—Served with the Scots Fusilier Guards in the East up to April 1855; 2958-2962——Adheres to the answers given by him to the Commissioners of Inquiry in January 1855; 2963-2968——Absence of direct superintendence over the medical arrangements of the brigade of Guards in the East, 2969–2971. 2989. 2994–2996——Frequent instances of the Scots Fusilier Guards not having been duly supplied with medicines, medical comforts, and surgical appliances, 2973. 2978–2994.

Favourable operation in the Crimea of the system of dispensing pursued in the Household regiments, 2974–2977. 3005——Suitable system of dispensing followed in India; it is not applicable to the Queen's service, 2997–3002——Advantages of the system of hospital serjeants over a system of commissioned civil dispensers, 3000–3005. 3040——The pay and rank of the hospital serjeants should be raised, 3003, 3004——Preference given to a system of soldiers as orderlies to a system of civilian orderlies, 3006, 3007.

Advantage in time of peace of two assistant surgeons in regiments of the line, 3009–3015——Reference to the circumstance of army surgeons being obliged to find their own instruments, 3016–3022——Promotion by seniority in the Guards, 3023. 3030——Witness has never heard of any accidents through the system of dispensers selected from the regiments, 3024, 3025——Approval of promotion by seniority as a general rule, 3026, 3027.

Qualifications required in medical officers in the Guards, 3028, 3029——There are no confidential reports, 3031——Efficiency of the medical service of the Scots Fusilier Guards, 3032——Exemplary conduct of the men in hospital in the Crimea, 3033, 3034——Lunatic soldiers should be sent to military rather than to private asylums, 3036–3039——Superfluous amount deducted in the shape of hospital stoppages, 3042–3044.

Bulgaria. Inefficiency of the cavalry medical department in Bulgaria mainly through the want of hospital assistants who could act as dispensers, *Lord De Ros* 2561–2571. 2596——Deficiency to a certain extent of the means provided in Bulgaria for the conveyance of the sick, *ib.* 2650–2655. 2661–2664.

Inadequacy of the supply of medicines and medical comforts to the light cavalry brigade for some time after their landing at Varna, *Lord Cardigan* 3990–3994. 3997–4000. 4008–4012. 4037, 4038—— Representation by witness to Lord Raglan, which led to an abundant supply of medical comforts being forwarded from Varna to the brigade at Yanibazaar, *ib.* 3994. 4001, 4002. 4037, 4038. 4106——Sufficient number of medical officers attached to the light cavalry *ib.* 4014, 4015——Very defective medical arrangements for the supply of the army when in Bulgaria, *Sir R. Airey* 4355–4367. 4374–4377——Official remonstrance by witness as to requisitions not having been complied with, *ib.* 4368–4373.

Buller, Major-general Sir George, K.C.B. (Analysis of his Evidence.)—Has served in the Crimea and at the Cape, 1888, 1889——Approval of the system of dispensing in the Household regiments rather than of the introduction of dispensers as commissioned officers, 1890–1896——Frequent departure from the regulation, that the medical officer must make up the medicines, 1896-1898——Insufficient staff of orderlies attached to hospitals, 1898——Advantage in selecting orderlies from among the privates, and in paying them better rather than in introducing civilians, 1899-1906——Satisfactory relative positions at present of the medical and the executive officers, 1907——Desirableness of two assistant surgeons in every regiment, 1908–1913.

Bunbury, Captain George. (Analysis of his Evidence.)—Is staff captain in charge of the depôt at Chatham of the medical staff corps, 2830——Indefinite instructions under which this charge was given to witness, 2831–2837. 2922–2924——Duties of witness as staff captain, 2840. 2853 *et seq.*——The members of the corps are recruited in the same way, and receive the same bounty as ordinary soldiers, 2841–2852. 2937, 2938——Sundry particulars as to the probation and discipline, 2853 *et seq.*——Decision by the medical officer as to the eligibility of the recruits, 2853, 2854. 2919, 2920. 2924–2929.

Particulars as to a great number of the corps who were first enlisted having been dismissed as ineligible after they had received enlistment money, 2856–2864. 2908——Qualifications required, 2858. 2861. 2867. 2896–2898. 2912. 2915–2918. 2932, 2933——Amount of pay, and regulations as to pensions, 2863. 2930, 2931——Few men discharged as ineligible or misconducted after the payment of the bounty; nature of such misconduct,

Report, 1856—*continued.*

Bunbury, Captain George. (Analysis of his Evidence)—*continued.*

misconduct, 2868, 2869. 2878-2883. 2893-2895——Similar means of punishment as in the line; practice of witness hereon, 2870-2888. 2893, 2894. 2947——Opportunity for discharged misconducted men to enlist in any other corps, 2874, 2875. 2896. 2948.

Witness has had in his charge at one time 993 men of the corps enlisted in one month, 2899. 2907——At present there are 103 men at the depôt, 2900——Disadvantage in there being no non-commissioned officers in the corps to assist witness, 2901-2905. 2907. 2909——Pensioners are not enlisted, 2906. 2915——Approval of the uniform, which is a blue tunic with red facings, 2934-2936——Objections to men being introduced into the corps from the line, 2940-2945——Mode in which those in the depôt are at present disposed; the great majority have no practical occupation, the hospitals not requiring their assistance, 2946, 2947. 2952-2957.

Burrell, William Henry, M.D. (Analysis of his Evidence.)—Entered the army in June 1815, and served on full pay, with the exception of about eighteen months, till 1854; 602——Details as to witness's services at home and abroad, respectively, as hospital assistant, assistant-surgeon, surgeon, and staff-surgeon, 603-618——In March 1854 he was appointed deputy-inspector in Malta, 620-622——On the 20th of February previously he had been appointed principal medical officer, with the expeditionary force of 10,000 men first sent out; official documents hereon, 623-627——Later in February he was told by Dr. Smith in a demi-official letter that the army would be augmented, and would become the charge of an inspector-general, 628, 629.

Witness left Malta for Scutari on 25 April 1854, his departure having been unavoidably delayed, 630-633. 640-646——He remained at Scutari till 26 May, and then returned to England in accordance with an official letter from Dr. Smith, dated 15 April, cancelling his appointment as deputy inspector-general, 634-639——By letter, dated 2 March, Dr. Hall was appointed as inspector-general to succeed witness, 647-950—— Dr. Hall was junior to witness in service, but senior in rank, 651-660.

Explanation relative to the resignation of witness on the appointment of Dr. Hall as inspector-general; grounds for the conclusion that he was unfairly dealt with; 651-668. 709-712. 727-736——Letter, dated 16 March 1854, in which witness tenders his resignation, 666——Reference to some of the letters between Dr. Smith and witness as being of a private nature, 669-673——Explanation as to the continuance of witness as principal medical officer for some time after the arrival of Dr. Smith's letter of 15 April 675-692.

Extent to which witness, whilst at Scutari, reported to Dr. Smith upon the want of sanitary improvements to the hospital, 699-704——Filthy state at first of the barracks used as an hospital, 704-706——Fair average amount of sickness whilst witness was at Scutari, 707, 708——Witness considers that, besides being passed over in 1854, he was also twice unduly passed over in 1852; 710, 711. 895——Reasons for the non-acceptance by witness of the appointment in India offered him by Dr. Smith, 713-725.

Insufficiency of the examination of army surgeons; suggestions hereon, 737-750. 761-763. 767-779. 782-784. 817——Nature of the limit to the schools or colleges whence candidates are received and examined, 751-760——Comparatively inferior class of students who come forward for the army, 764-766——Until assistant surgeons are more adequately paid a better class will not come forward, 780-784.

Principle of selection, at the discretion of the Director-general, in the case of promotions to full surgeons, 785, 786. 790-792——Improvement if the promotions were under a medical board, 787-789——Discontinuance some years since of the practice of examination on promotion, 793-795——System formerly of local examination on promotion, 796, 797——Check as regards length of service upon the premature promotion of assistant-surgeons, 798-801——Advantage of a subsequent examination of a competitive character, 802, 803.

Excellent school for medical officers afforded by regimental hospitals, 804, 805. 889-891——Practice generally, after the first appointment, to go to Fort Pitt before joining the regiment, 806, 807. 809-812——Objection to a system of civilian dispensers in time of peace, 808——Evidence relative to the system of confidential reports, to the effect that it is objectionable only when it is abused, 818-830——Belief that injustice has, unintentionally, been done through the reports, 826, 827.

Opportunity for arriving at cases of *mala praxis* through means of the military hospital books, 831-834——Detection of medical neglect in hospital through the inspection of the regimental officer, 835-838——Reference to an instance of a medical officer placed on half-pay through misconduct, 839, 840. 908——Institution, most probably, of a medical board of inquiry on the event of an officer being strongly reported against to the Director-general, 841-844——Difficulty and delay at times before requisitions by medical officers for stores are complied with, 845. 872-887.

Want of medical stores for the army in the East, after the arrival in Turkey, 846-848——Authority given to witness to purchase medicines at Constantinople, 849——Want of panniers for service in the field adverted to, 850-855——Importance of its being the

Report, 1856—*continued.*

Burrell, William Henry, M.D. (Analysis of his Evidence)—*continued.*

the practice in regimental hospitals, as well as in general hospitals, that the shirts and linen used by the patient be provided by the hospital, 856–862——Proper basins or cups should also be provided for drinking tea out of, 863——Internal economy of naval hospitals adverted to, 864, 865. 896–898.

Advantage of a trained body of nurses attached to general hospitals; special reference hereon to the West Indies, 866–870——Somewhat too strict check kept over requisitions from foreign stations, 872, 873. 885–887——Want of drugs at Malta in 1851; some were borrowed locally till supplies arrived, 874, 875——Delay before some requisitions by witness at Malta were complied with, 876–884——Possibility of misconducted regimental officers being removed to the staff by the Director-general, 892 894.

Burrell, Dr. See *Inspector-general of the Army in the East.*

C.

Calvert, Mr. Usefulness of the medical department, during the war, of Mr. Calvert, Consul at the Dardanelles, *Sir B. Hawes* 3474.

Cambridge, His Royal Highness the Duke of. (Analysis of his Evidence.)—Bears testimony to the great endurance and patience exhibited by the soldiers in hospital during the late war, 3640–3643——Also to the great exertions and philanthropy of the medical men, 3644-3646——Advantage if after a certain length of service the surgeon of a regiment had the rank of major, instead of that of captain, 3647, 3648——Decided objection to making the medical department more a military body, 3649, 3650.

Disapproval of medical officers sitting as members on courts of inquiry, 3651——Approval of the system in the hospitals of the Household troops of dispensing the medicines through means of the hospital serjeants, 3652, 3653. 3717——Decided objection to the introduction of civilian dispensers, 3654, 3655. 3713–3716. 3753——Proposition that men showing an aptitude for dispensing should be sent to a general hospital or training school as a means of thoroughly qualifying them for hospital serjeants, 3656. 3658. 3709–3717. 3744–3752.

Impropriety at present of requiring surgeons to certify that they have individually mixed the medicines which they have prescribed, 3657. 3717——Anticipated efficient medical staff corps if soldiers be trained for the purpose as proposed, 3658–3660. 3709. 3716, 3717. 3746, 3747. 3752——Orderlies should also be provided by soldiers being sent to some training school, 3658–3660. 3744. 3746, 3747——Inadequacy of the present hospital staff corps, 3661. 3745.

Sufficient number of staff surgeons and other medical officers in the Ionian Islands, when witness was on the staff at Corfu, 3662–3666——During the war each regiment of infantry should have had one surgeon and three assistant-surgeons, 3667——During peace one surgeon and two assistant-surgeons should be the complement, 3667. 3701——Medical officers should have additional facilities in regard to leave of absence; suggestions hereon, 3668, 3669. 3696, 3697——One surgeon and one assistant-surgeon would suffice for a cavalry regiment in time of peace, 3670. 3725.

All communications relative to alterations in hospitals, &c., and all complaints of misconduct, should go through the local military authority, 3671. 3729——The relations between the purveyor and medical officer should be more clearly defined, 3672, 3673——Witness prefers the system of Director-general (with his power of forming subordinate Boards), and of individual responsibility, to a system of a Medical Board, 3674, 3675. 3683–3688. 3718–3720——The authority of the Commander-in-chief should be carefully exercised in cases of selection for promotion, 3676, 3677. 3679, 3680. 3744——Where promotion is stopped on the ground of charges in a confidential report, such charges should be made known to the party implicated, 3678.

Approval of promotion by seniority, save in exceptional cases, 3679–3682. 3744——Strong objection to introducing civilians into an Army Medical Board, 3683–3685——Advantage in the assistant-surgeon of a cavalry regiment remaining at head-quarters, 3689. 3697, 3698——Approval of everything being found for the soldier in general hospitals, but not in regimental hospitals, 3690–3694——Suggestion that retirement be allowed after twenty years' medical service, 3695——Improvement if foreign service were to count for more than home service, 3696.

Assistant-surgeons should be better paid; this would be preferable to an earlier retirement, 3699–3701——When medical officers have been mentioned favourably by general officers, they should be reported home in the despatches, 3702–3704——Soldiers connot be so suitably treated in a civil as in a military hospital, 3705, 3706——The appointment of civilians to the charge of civil hospitals was somewhat hard upon the army medical officers, 3707——It would be advantageous to establish an asylum for insane soldiers, 3708.

Utter failure of the first ambulance corps sent to the East, 3721–3723——Approval of

Report, 1856—*continued.*

Cambridge, His Royal Highness the Duke of. (Analysis of his Evidence)—*continued.*

of a partly divisional system of hospitals, 3724——Occasional inadequacy of the present system of examination of recruits; case in point, 3726-3728——The general officer should have more power in regard to the refusal of recruits, 3727, 3728——Steps advisable generally in following up the misconduct of a medical officer in any place, 3729, 3730——Much weight should be attached to the opinion of the army medical officers in the present inquiry, 3731.

Importance of the formation of a large general hospital at home, 3732——Advantage if hospital accommodation were provided at home for invalid or wounded officers on return from abroad, 3733-3735. 3742——Difficulty in putting an end to the system of hospital stoppages from soldiers' pay, 3736-3739——Objection to deduction from the pay of a surgeon for forage, 3740——Great hardship to surgeons during the war, in their not being properly provided with servants, 3741——Propriety of lodging money being allowed to sick and destitute officers, if on their return from foreign service there be no hospital provision for them, 3742——Approval of a system of retirement on full pay in the case of medical officers, 3743.

Mode of ensuring discipline in the proposed medical staff corps, 3746, 3747. 3752——There should be a fixed establishment of hospital serjeants and orderlies, 3745. 3748, 3749——Those found to be unfit for hospital duties should return to the regiment whence they went to the training school, 3750, 3751——If found to be properly qualified, their places in the regiment should be filled up with other men, 3750——Two rates of pay suggested for the medical staff corps, 3752.

Candidates. See *Examinations. Qualifications. Recommendation on Appointment.*

Cardigan, the Right Hon. the Earl of. (Analysis of his Evidence.)—Has had eighteen years' experience in command of a regiment, 3962, 3963——Decided objection to medical officers sitting on courts martial, 3964. 3983——Objection to any change in the relative positions of the medical and the executive officers which should render the former a more independent body, 3965. 3978-3989——Considerable inconvenience likely to arise from the present power of the medical department, unless the commanding officer exerts his authority in the most positive way; instance of this, 3966-3974. 3985-3987——Opinion that the men should be considered either sick or fit for duty, and that a state of convalescence should not be recognised, 3966. 3975, 3976. 4024, 4025.

Evidence relative to the inadequacy of the supply of medicines and medical comforts to the light cavalry brigade for some time after their landing at Varna; steps taken to remedy the same, 3990-4013——Sufficient number of medical officers attached to the light cavalry when in Bulgaria, 4014, 4015——Inadequate number on the commencement of active operations in the Crimea, 4016, 4017——Expediency of an additional assistant-surgeon if the cavalry regiments be permanently increased from 360 men to 420 or 450 men; but not otherwise, 4018. 4026, 4027——The assistant-surgeon should not always remain at head-quarters, 4019, 4020.

How far any difficulty at present in regard to leave of absence of medical officers, 4021-4023——On field-days cavalry surgeons should always be on mounted parade, 4028, 4029——Absence of complaint by cavalry surgeons in the Crimea as to any want of servants, 4030-4034——Before going to the Crimea witness had never heard of a purveyor, and he never saw one at all, 4035, 4036.

Decided objection to the appointment of civilians as dispensers of medicines to regiments, 4039-4043. 4107-4119——Strong approval of the system of dispensing medicines by means of hospital serjeants, 4044-4060——Expediency in time of war of the plan suggested by the Duke of Cambridge for qualifying non-commissioned officers and privates for hospital serjeants and orderlies, 4059, 4060.

Consideration of the pay of assistant-surgeons of cavalry, and of the deductions therefrom, to the effect that the latter are in some respects very severe, 4061-4071——Doubt as to any special cause of complaint as to the lowness of pay of assistant-surgeons, 4063. 4066. 4072——Inadequacy of the present system of medical examination of recruits, 4073-4075——Course advisable in the event of improper recruits being passed by any medical officer, 4074-4076——Propriety of men in regimental hospitals, though not perhaps in general hospitals, retaining their own clothes, 4077, 4078.

Evidence in favour of a medical Board as preferable to a director-general for dealing with promotion and removal from station to station, 4079-4097——Objection to the proposed hospital staff corps for regimental hospitals, though if confined to general hospitals it may answer very well, 4098-4103——Testimony to the zeal of the medical officers in the East, 4104——Expediency of an abundant supply of medical officers in the event of war; these could readily be procured, 4110-4113——Doubt as to medical officers having any special claim to retirement on full pay after twenty-five or thirty years' service, 4120-4122.

Cashiered Officers. Extreme cases in which medical officers are sometimes cashiered instead of being placed on half-pay, *Smith* 324-330.

Report, 1856—*continued.*

Cavalry. Necessity for the cavalry surgeon or assistant-surgeon being in attendance on field days, *Mapleton* 1158. 1160, 1161; *Lord de Ros* 2675; *Lord Cardigan* 4028, 4029; *Sir R. Airey* 4451——Reasons in support of two assistant-surgeons in cavalry regiments, even during peace, *Mapleton* 1175–1177. 1182–1186; *Douglas* 1865–1880; *Mackenzie* 3092–3100. 3106–3113; *Sir R. Airey* 4450–4453——A cavalry regiment at head-quarters should always have a surgeon and an assistant-surgeon, *Mapleton* 1176, 1177. 1334; *Duke of Cambridge* 3689. 3697, 3698——Present rule that the assistant-surgeon must accompany a squadron of cavalry if it leaves head-quarters, *Mapleton* 1177——Possibility of cavalry surgeons never seeing foreign service, *ib.* 1303——Sufficiency of one assistant-surgeon in a cavalry regiment of 300 men; detachments, however, should be attended to by civil practitioners, *Lord De Ros* 2674–2680.

There are at present thirty patients in the hospital of the 3d Light Dragoons, the strength of the regiment being 547, *Mackenzie* 3071, 3072——Present distribution of the regiment, *ib.* 3072——Medical arrangements at head-quarters and at the several detachments, *ib.* 3073–3100——Semi-official character of the written instructions given by witness to the assistant-surgeons, *ib.* 3104, 3105——Greater number of accidents, comparatively, in a cavalry than in an infantry regiment, *ib.* 3108–3113.

Responsible duty of an assistant-surgeon of cavalry, generally with a detachment, *Agnis* 3552–3554. 3569——One surgeon and one assistant-surgeon should suffice for a cavalry regiment in time of peace, *Duke of Cambridge* 3670. 3725——Expediency of an additional assistant-surgeon if the cavalry regiments be permanently increased from 360 men to 420 or 450 men, but not otherwise, *Lord Cardigan* 4018. 4026, 4027——The assistant-surgeon should not always remain at head-quarters, *ib.* 4019, 4020.

Statement to the effect that cavalry surgeons should be the last to complain of harsh treatment, *Smith* 4569——As compared with infantry surgeons, their office is a sinecure, *ib.* 4569——Few exceptions to the exclusive employment of cavalry surgeons on home service, *ib.* 4569——Promise given by cavalry surgeons, in consideration of their long home service, not to exact promotion, *ib.* 4569.

See also *Bulgaria. Confidential Reports*, 2. *Forage. Memorials. Number of Medical Officers. Pay. Promotion.*

Censure in General Orders. Few instances of censures of medical men in general orders, *Smith* 213——It would depend upon the nature and extent of the censure by the Commander-in-chief whether witness recommended any officer for promotion or reward, *ib.* 220–222. 233–245.

Chatham. Advantage in retaining Dr. Dartnell at Chatham, instead of sending him to the East, *Smith* 205, 206.

Witness has been principal medical officer of the garrison at Chatham since February 1855, *Dartnell* 2080, 2081——Accommodation and classification in each of the four hospitals in charge of witness, *ib.* 2082–2108——There are now altogether 778 patients, the hospitals being supposed to hold 1,400, *ib.* 2085, 2086——Inadequate space in cubic feet of air available for each patient, *ib.* 2087–2102. 2441–2446.

Details relative to the articles found for the soldier, in the hospitals at Fort Pitt and Brompton, *Dartnell* 2109–2127. 2142——Practice in regard to washing, more especially where the patient has had infectious diseases, *ib.* 2128–2138——Periodical inspection by the barrack-master and the engineer, *ib.* 2209–2217——Present state of the medical staff attached to the several hospitals; it is a constantly fluctuating body, *ib.* 2221–2226. 2456.

Particulars relative to several of the staff; their duties, and the nature of their appointment, *Dartnell* 2227–2239. 2249–2253——Circumstance of regimental officers being frequently appointed to the hospitals in an unfit state of health, *ib.* 2229–2233. 2238, 2239——Witness was not on the roster for foreign service during the late war, *ib.* 2240–2243——At present the staff at the hospital is nearly sufficient, *ib.* 2248——The chief officer should have the rank of inspector, *ib.* 2355–2360——Importance of the staff being irremovable for a few years, *ib.* 2456–2458. 2464–2466.

See also *Lunatic Soldiers. Probation. Reid, Dr.*

Civil Hospitals and Civil Practitioners. Explanation as to witness having approved of the employment of civil medical officers in the hospitals in the East, *Smith* 35–41——Disadvantage, on the score of discipline, of civil hospitals for the army, *Lord De Ros* 2597. 2638–2644——Discouragement, unnecessarily, of the army surgeons by the introduction of the civil element, *ib.* 2598–2604. 2689, 2690——Greater expense of a civil than of a military hospital, *ib.* 2640.

Origin of these hospitals in the emergency which arose late in 1854, through the insufficiency of the army medical department, *Sir B. Hawes* 3383–3387. 3413–3417. 3440–3444——Intention from the first, duly carried out in practice, that the hospitals should not be subject to military discipline or organisation; approval thereof, *ib.* 3388. 3423–3439. 3446–3453——Regulations in regard to the pay of the officers; gratuity to be given on the termination of their services, *ib.* 3408–3412. 3464——Reasons for endeavours

Report, 1856—*continued.*

Civil Hospitals and Civil Practitioners—continued.

vours not having been made to meet the emergency, by increasing the pay of the army surgeons, *Sir B. Hawes* 3413–3422.

Advantage, unaccompanied by hardship, in employing civil medical officers during an emergency, rather than of increasing the pay and number of army surgeons, *Sir B. Hawes* 7413-3422. 3440–3445. 3454, 3455. 3493——Absence of just ground for complaint by the army officers, *ib.* 3418-3422. 3459. 3493——Efficiency of the discipline, *ib.* 3425–3428. 3450–3453——Very favourable result generally of civil hospitals; testimony of Dr. Hall to this effect, *ib.* 3445, 3446.

Excellent treatment of wounded soldiers by civil surgeons, *Sir B. Hawes* 3456–3458——Particular articles found for the soldiers in the civil hospitals, *ib.* 3460——Similar regulations in the civil as in the military hospitals, in regard to the allowances, clothing, &c. of the patients, *ib.* 3461–3463——The expense of the civil hospitals will soon be ascertained, *ib.* 3486, 3487——It rested with the chief army medical officers to send patients to these hospitals, *ib.* 3489–3494.

Soldiers cannot be so suitably treated in a civil as in a military hospital, *Duke of Cambridge* 3705, 3708——Hardship to a certain extent to the army medical officers in the appointment of civilians as heads of hospitals, *Duke of Cambridge* 3707; *Sir R. Airey* 4455-4459. 4476–4480——Charge devolving on witness when in the Crimea, *Maunder* 3907-3911——The civil and military surgeons worked well together, *ib.* 3941, 3942.

Opinion that as it has been stated that the supply of medical officers was insufficient during the late war, the establishment of civil hospitals may have been necessary; but the Committee trust the recurrence to such alternatives may for the future be avoided, *Rep. p.* iii.

See also *Confidential Reports*, 3. *Lyons, Dr. Renkioi Hospital. Smyrna Hospital. Wells, Spencer.*

Civilians. See *Civil Hospitals and Civil Practitioners. Dispensers. Governing Body.*

Coldstream Guards. Witness is hospital steward and colour serjeant in the Coldstream Guards, *Sheldrake* 1747, 1748——There is a surgery man, a dispenser, a cook, and four orderlies in the hospital; extra pay of each, *ib.* 1749–1752——Statement relative to the pay and position of witness as hospital steward; he is worse off in some respects than he was previously as colour serjeant, *ib.* 1753–1755. 1764. 1766, 1767. 1780–1785. 1790–1793. 1798, 1799. 1803–1809——Duties of witness, *ib.* 1756, 1757. 1768–1770——Qualifications of the dispenser, who is a private, *ib.* 1758–1763. 1765. 1794–1799.

There has never been any mistake in compounding, *Sheldrake* 1771. 1794, 1795——There are ninety-one patients in hospital out of a force of 1,300, *ib.* 1775, 1776——Similar mode of dispensing in witness's regiment in the Crimea as at home, *ib.* 1786–1789——Care exercised in regard to the use of certain medicines, *ib.* 1793, 1794——A corporal is not allowed to be a surgery man or dispenser, *ib.* 1796, 1797.

Commandants. General control exercised by the commandant at Chatham over the hospitals, *Dartnell* 2143–2146——Action of the commandant in regard to orderlies, *ib.* 2147–2152.

Commander-in-Chief. Invariable practice of the Commander-in-chief to comply with witness's recommendations for promotion, *Smith* 101–105. 180——Unlimited power of the Commander-in-chief abroad over the medical officers, *ib.* 212——Single instance in witness's recollection of the Commander-in-chief having objected to the recommendation of the Director-general, *ib.* 4583–4586.

The Commander-in-chief should have a voice in the appointment and removal of the subordinate members of the Medical Board proposed by witness, *Mackenzie* 3203; *Lord De Ros* 2627–2632——The authority of the Commander-in-chief should be carefully exercised in cases of selection, the initiative still resting with the Director-general, *Duke of Cambridge* 3676, 3677. 3679. 3680. 3744; *Sir R. Airey* 4521–4532——Understanding that the reference to the Commander-in-chief in regard to promotions is merely nominal, *Lord Cardigan* 4085. 4089. 4092–4095.

Resolution that the Commander-in-chief should exercise a control over the appointment and promotions of the Director-general, *Rep. p.* iii.——*See* also *Control.*

Commissariat. Suggestion as to the expediency of separating the sick commissariat from the commissariat of the army, *Lord West* 2060.

Competition. Importance, in time of peace, of the examination being competitive, *Burrell* 740. 761–763. 778, 779——Advantage of a subsequent examination of a competitive character for a certain proportion of the higher vacancies, *ib.* 802, 803—— Importance of combining a competitive examination with a system of grades, *Mapleton* 1104, 1105. 1112, 1113——Advantage of the recent competitive system of examination for the Indian service,

Competition—continued.

service, *Grant* 1646, 1647——If there be an examination at all, it should be competitive, *Mackenzie* 3238–3249.

Resolution that the principle of general competition, or of special examination in recognised medical schools, be applied, as far as practicable, to admission into the Army Medical Department, *Rep. p.* iii.

See also *East India Company's Service*, 4. *Examinations.*

Confidential Reports:

1. *Practice hereon in the Army Medical Department generally.*
2. *Cavalry.*
3. *Civil Hospitals.*
4. *East India Company's Service.*
5. *Guards' Brigade.*
6. *Military Officers.*
7. *Navy.*
8. *Ordnance Medical Department.*
9. *Exceptions taken to the existing System.*

1. *Practice hereon in the Army Medical Department generally:*

In exceptional cases only does witness communicate the confidential reports to the parties implicated, *Smith* 342–344. 358–360——Witness explains the mode in which the confidential report is looked upon by him as a criterion of qualification and conduct; doubt as to any prejudice or injustice through the operation, *ib.* 345–368——Mode in which the professional skill and general conduct of the medical men is measured by witness through the report, *ib.* 348–360. 364. 366.

Belief that injustice has, unintentionally, been done through the reports, *Burrell* 826, 827——Instances of men promoted out of rule, over men as able as themselves, owing to the representations made in confidential reports, *Mapleton* 1242, 1243. 1251——Course adopted by witness in regard to confidential reports; he objects to the duty, and avoids it as much as possible, *Dartnell* 2365–2382. 2384–2393——Practice generally of confidential reports adverted to, *Mackenzie* 3208, 3209.

Practice in the case of all reports unfavourable to medical officers, for the same to be sent to the Director-general, who acts upon them at his discretion, *Sir G. A. Wetherall* 3255–3265. 3269–3273——Belief that the reports are communicated to the officers complained of therein, *ib.* 3264, 3265——Further statement as to the reliance placed on confidential reports, and as to their non-communication to the implicated officer, *Smith* 4572–4581.

2. *Cavalry:*

Substance of the confidential reports made to the inspector-general of cavalry in regard to cavalry hospitals, *Lord de Ros* 2556. 2607——Practice, in the case of unfavourable medical reports by the inspectors of cavalry, to communicate the same to the officers implicated, *ib.* 2607–2612. 2615–2622.

3. *Civil Hospitals:*

There are no confidential reports in civil hospitals, *Rees* 3334–3336. 3338.

4. *East India Company's Service:*

Practice in regard to reports, both with respect to the conduct of medical and of military officers, *Martin* 1619–1628——Great advantage of a proper system of confidential reports, properly acted upon, *ib.* 1629.

5. *Guards' Brigade:*

There are no confidential reports in the brigade, *Bostock* 3031.

6. *Military Officers:*

Circumstance of military officers having an opportunity of explaining adverse official reports, *Mapleton* 1240. 1252——System in the case of confidential military reports; communication of the same to the parties implicated, *Sir G. A. Wetherall* 3266–3270. 3274–3280——Advantage of the system of the military reports, *ib.* 3274, 3275——Practice in regard to confidential military reports, adverted to with reference to confidential medical reports, *Sir R. Airey* 4483–4487.

7. *Navy:*

System of record, partly by means of confidential reports, of the services and character of the medical men, *Sir J. Liddell* 4136–4154. 4262–4270.

8. *Ordnance Medical Department:*

Absence of confidential reports in the department, *Halahan* 3590, 3591.

Confidential Reports—continued.

9. *Exceptions taken to the existing System:*

Evidence relative to the system of confidential reports, to the effect that it is objectionable only when it is abused, *Burrell* 818–830——Decided objection to unfavourable statements in confidential reports being acted upon without reference to a court of inquiry or opportunity for explanation, *Burrell* 821–825. 830; *Mapleton* 1227–1229. 1236–1243. 1251–1253; *Duke of Cambridge* 3678——By confidential reports you cannot ascertain what a man's abilities really are, *Burrell* 829——Fallacy of the system, *Dartnell* 2374——Partial disapproval of the system of confidential reports; it is, however, a necessary system, *Smith* 183, 184——The system of confidential reports is one reason in favour of a Medical Board, *Lord Cardigan* 4096, 4097.

Resolution of the Committee that the system of confidential reports should be placed on the same footing with those relating to combatant officers, *Rep. p.* iii.

Control. Improvement, since January 1855, in witness being subservient only to the War Minister and the Commander-in-chief, instead of to five masters, as previously, *Smith* 19–25. 82——Classification of subjects to which witness communicates respectively with Lord Panmure and Lord Hardinge, *ib.* 22. 33, 34 —— General control of the Secretary of State for War over the medical department, *Sir G. A. Wetherall* 3282.

All communications relative to alterations in hospitals, &c., and all complaints of misconduct, should go through the local military authority, *Duke of Cambridge* 3671. 3729.

See also *Commander-in-Chief. Governing Body.*

Convalescent Hospital. Want of a convalescent hospital in this country in some healthy situation, *Dartnell* 2447–2455.

Convalescents. The convalescents from Renkioi were sent to Abydos, *Maunder* 3903——Opinion that the men should be considered either sick or fit for duty, and that a state of convalescence should not be recognised, *Lord Cardigan* 3966. 3975, 3976. 4024, 4025 ——Inconvenience during the cavalry reconnoissance in Bulgaria through a vast number of men, besides those in hospital, being exempt from duty upon the plea of their not being quite well; the practice was discontinued through witness's interference, *ib.* 3966–3974.

Coton Hall Lunatic Asylum, Stafford. Excellent building arrangement in this asylum; it receives civilians as well as officers, *Hume* 2782–2789——The War Department pays for the lunatic officers, *ib.* 2791.

Courts of Inquiry. See *Boards of Inquiry.*

Courts Martial. Exceptional circumstances under which medical officers may sit on courts martial, *Mapleton* 1340. 1347–1349——Witness sees no reason why they should not sit on such courts, *Martin* 1505. 1516–1518; *Grant* 1744, 1745——Objection to medical officers sitting on courts martial, *Lord De Ros* 2665–2668; *Lord Cardigan* 3964. 3983; *Sir R. Airey* 4319–4321——As a rule, it would be better if medical officers merely gave evidence before courts of inquiry; but in the event of a court martial on one of their body for improper treatment, then a medical man should be a member of the court, *Mackenzie* 3134–3142——On certain occasions they do often sit on courts martial, *Sir G. A. Wetherall* 3284——Recommendation on the subject by the Director-general, *App. p.* 319.

Crimea. As regards transfers of medical officers in the Crimea, witness had nothing to do with them, *Smith* 462——Number of assistant-surgeons to regiments in the Crimea, *Mapleton* 1178–1180——Witness attributes the sickness and suffering in the Crimea to the want of supplies, and not in any way to the conduct of the medical officers, *Lord West* 1920–1925——Save during action, witness did not observe in the Crimea any insufficiency of medical officers, *ib.* 2062. 2064——Inadequate number of medical officers in the light cavalry on the commencement of active operations in the Crimea, *Lord Cardigan* 4016–4017——Short supplies of medicines, &c., in the Crimea, till the spring of 1855, *Sir R. Airey* 4378–4382——The line regiments had one surgeon and two assistant-surgeons, *ib.* 4454.

See also *Field Hospital. Promotion. Zeal and Efficiency.*

D.

Dartnell, George Russell. (Analysis of his Evidence.) Has been nearly thirty-six years in the service, and has served in each rank from assistant-surgeon to deputy-inspector-general of hospitals, 2074–2079——Has been principal medical officer of the garrison at Chatham since February 1855; 2080, 2081——Accommodation and classification in each

Report, 1856—*continued.*

Dartnell, George Russell. (Analysis of his Evidence)—*continued.*

each of the four hospitals in charge of witness, 2082–2108——There are now, altogether, 778 patients, the hospitals being supposed to hold 1,400; 2085, 2086——Inadequate space, in cubic feet, of air available for each patient, 2087–2102. 2441–2446.

Details relative to the articles found for the soldier in the general hospitals at Fort Pitt and Brompton, 2109–2127. 2142——Practice in regard to washing, more especially where the patient has had infectious diseases, 2128–2138——Opinion that the hospital stoppage of 10*d.* a day is too much, 2139–2141——General control exercised by the commandant at Chatham over the hospitals, 2143–2146——Action of the Commandant in regard to orderlies, 2147–2152——Failure of the orderlies or pensioners sent to the Crimea, 2153, 2154.

Importance of orderlies being a permanent body in the hospitals, 2156, 2157——Particulars relative to the operation of the new medical staff corps at Chatham, 2158–2183——Better pay of the corps than of orderlies taken from the line, 2175. 2181. 2188——Objectionable undress of the corps, 2184–2187——In general hospitals the hospital serjeant's duties are divided and performed by different individuals, differently paid, 2189–2191——Some old soldiers might with advantage be selected for orderlies, 2193, 2194.

Very faulty system in regard to repairs of broken windows, &c., at Chatham, on account of the necessity of communication on the subject with the barrack-master, 2195–2220——The more important repairs or alterations must be submitted to the commanding engineer, 2201, 2202. 2208——Periodical inspection by the barrack-master and the engineer, 2209–2217——Present state of the medical staff attached to the several hospitals; it is a constantly fluctuating body, 2221–2226. 2456——Particulars relative to several of the staff; their duties, and the nature of their appointment, 2227–2239. 2249–2253.

Witness was not on the roster for foreign service during the late war, 2240–2243——Probation at Chatham before appointment as assistant-surgeon, 2244–2247——At present the staff at the hospitals is nearly sufficient, 2248——The relations between witness and the purveyors are not based on a proper system; illustration hereon, 2254–2262——Medical officers generally should have more power in regard to procuring requirements for the sick, 2262–2266——More liberal system lately in regard to supplies of diet, &c., 2267–2271.

Very inadequate character of the casemates or building at Chatham for lunatic soldiers; proper humane treatmen cannot be carried out in it, 2272–2281. 2285–2288. 2306, 2307. 2317–2319——Mode of eventual disposal of lunatic soldiers and officers if found irrecoverable, 2280–2284. 2289, 2290. 2312–2314. 2342–2344. 2459–2463——Particulars relative to the lunatic establishment at Yarmouth, and the modes of treatment pursued there by witness; it was broken up in 1852; 2289. 2292–2305. 2325, 2326. 2339–2341.

Advantage of a regular military asylum for lunatic soldiers; there is none at present, 2308–2311. 2324. 2327, 2328——At the casemates the soldiers are merely under observation, 2312. 2317——Many cases are curable, more especially if properly treated from the first, 2315–2318——Improved building being erected at Chatham for the lunatics, 2319–2322——There are about forty patients in the casemates, 2323——Doubt as to the necessity of special examination in reference to the medical treatment of lunatic soldiers, 2327–2338.

Inadequacy of the remuneration of the medical department, 2346–2349——The number of inspectors and deputy-inspectors should be increased, 2350–2360. 2383——At Chatham the chief officer should have the rank of inspector, 2355–2360——Approval of promotion by seniority in the whole service, 2361–2364——Practice of witness in regard to confidential reports; he objects to the duty, and avoids it as much as possible, 2365–2382. 2384–2393——The staff surgeon should be an executive officer, 2383.

Slight extent to which witness interferes with the system of treatment in the different wards, 2394–2398——Custom in regard to the consent of witness being given in cases of amputation or capital operation, 2399–2407——Objection to dispensers being commissioned officers, 2408–2413——Propriety of medical officers being mentioned in the gazettes for distinguished conduct, 2414–2416——Importance of each regiment having two assistant-surgeons in time of peace, and three assistant-surgeons in time of war, 2417–2424. 2435–2440.

Desirableness of leave of absence as a means of professional improvement, 2426–2428——Absence of a system of study by the assistant-surgeons under the superior officers, 2429–2434——Want of a convalescent hospital in some healthy situation, 2447–2455——Importance of the staff at Chatham being irrecoverable for a few years, 2456–2458. 2464–2466——Reference to a report by Mr. Neison, the actuary, showing a peculiarly heavy mortality among army medical officers, 2467, 2468.

Davies, Mr. Promotion of Mr. Davies, who had sent home reports very unfavourable to the Department, *Smith* 398.

Report, 1856—*continued.*

Davy, Dr. Explanatory statement as to witness having declined to recommend Dr. Davy as principal medical officer with the army in the East, *Smith* 521–527——Tender by Dr. Davy of his service after the appointment of Dr. Hall, and not before, *ib.* 521–523. 545, 546——Comparatively slight experience of Dr. Davy in Turkey before the war broke out, *ib.* 524, 525. 527——Rule of the service whereby Dr. Davy was bound to serve for three years as temporary or local inspector-general, *ib.* 532–538. 544.

Death Vacancies. Regulation in the case of all death vacancies to appoint the senior officer on the station, *Smith* 152. 258.

Deductions from Pay. See *Cavalry. Forage. Pay,* 1.

Deputy Inspector-General. Advantage of increasing the number of deputy-inspectors, as provided for in witness's plan, *Mapleton* 1254. 1275.——*See* also *Pay.*

De Ros, Major-General Lord. (Analysis of his Evidence.)—Was employed for about twenty-three years on the staff of the cavalry, and had special opportunities for observing the working of the Medical Department, 2554–2556——Served for a short time with the army when in Bulgaria, 2554——Substance of the confidential reports made to the Inspector-general of Cavalry in regard to cavalry hospitals, 2556. 2607——Satisfactory relative positions of the medical and military officers of cavalry, 2557, 2558——Excellent conduct of the army surgeons generally during the sickness in the army when at Varna, &c., 2559, 2560——Inefficiency of the Cavalry Medical Department in Bulgaria, mainly through the want of hospital assistants, who could act as dispensers, 2561–2571. 2596.

System suggested for training so many privates throughout each regiment to dispense, as in case of war or other exigency, might be fully adequate for the purpose, 2566. 2570–2573. 2584, 2585——Evidence generally in favour of non-commissioned officers or privates as dispensers, rather than of commissioned civilians, 2566–2590——Constant evasion of the rule for the medical officers to dispense the medicines, 2588–2590.

Reference to the unhealthiness of the encampment chosen for portion of the army at Devno, 2591–2596——Disadvantage, on the score of discipline, of civil hospitals for the army, 2597. 2638–2644——Discouragement, unnecessarily, of the army surgeons, by the introduction of the civil element, 2598–2604. 2689, 2690——Advantage of orderlies drawn from regiments over civilian orderlies, 2605, 2606. 2692——Practice in the case of unfavourable medical reports by the inspectors of cavalry to communicate the same to the officers implicated, 2607–2612. 2615–2622——Admirable condition some years ago of the Marine Hospital at Chatham, 2613, 2614.

Proposition that the Medical Department be governed by a Board, consisting of a chief, with two assistants next in rank to himself, and aided by a military secretary, 2623–2638——Greater expense of a civil than of a military hospital, 2640——Causes of the failure of the Ambulance Corps sent to Varna; report by witness on the subject, dated 1 August 1854; 2645–2657——Deficiency, to a certain extent, of the means provided in Bulgaria for the conveyance of the sick, 2650–2655. 2661–2664——Want of medical comforts in the general hospital at Varna, 2658–2660.

Inexpediency of medical officers on courts-martial or Boards of inquiry, 2665–2668——Great hardship to the soldier through the hospital stoppage of 10*d.* a day, 2671–2673——Sufficiency of one assistant surgeon in a cavalry regiment of 300 men; detachments, however, should be attended to by civil practitioners, 2674–2680——Approval of medical promotion being by seniority, save in exceptional cases, 2681–2684.

Great want of hospital accommodation for sick or wounded military officers on arrival from abroad, 2685, 2686——Great want also of a military asylum for lunatic soldiers, 2687, 2688——Insufficient inducement for entering the Army Medical Department, 2691. 2693–2695——Forage should be allowed to cavalry assistant-surgeons, 2691——Opportunities of army medical officers to engage in private practice, 2696. 2698——Great difficulty in the Crimea in procuring servants to look after the officers' horses; instance of this in the case of witness, 2697.

Despatches. Instances of omission in the public despatches of the names of medical officers who have been highly commended by divisional or regimental officers; steps taken by witness to repair these omissions, *Smith* 369–371. 384–390——It is highly desirable that distinguished conduct on the part of medical officers as well as of military officers should be mentioned in the despatches of the Commander-in-chief, *Smith* 387, 388; *Lord West* 2067–2073; *Dartnell* 2414–2416; *Duke of Cambridge* 3702–3704; *Sir R. Airey* 4508. 4513——Witness specially mentioned to the general of his division the conduct of two medical officers during the attack on the Redan, but their names did not appear in the public despatches, *Lord West* 2067–2070. 2072. 3320——Reason why medical officers' names were omitted in the despatches from the Crimea, *Sir R. Airey* 4509–4512.

Devno (Bulgaria.) Reference to the unhealthiness of the encampment chosen for a portion of the army at Devno, *Lord De Ros* 2591–2596.

Diet

Report, 1856—*continued.*

Diet of Patients. More liberal system lately at hospitals in regard to supplies of diet, &c., *Dartnell* 2267-2271——Scale delivered in of diet for patients in the Royal naval hospitals and marine infirmaries, *Lindsay* 2545.

Diplomas. Sufficiency of a diploma from the College of Surgeons at Edinburgh, Glasgow, Dublin or London, for an army surgeon, *Mapleton* 1042-1045. 1050-1053; *Mackenzie* 3245——Foreign diplomas do not count in entering the service, *Mapleton* 1053——At present no medical diploma is required, *ib.* 1059, 1060——Official memoranda, in which the necessary diplomas, &c. are mentioned, *App. p.* 289.

Director-General. Witness has been director-general of the Army and Ordnance medical department for three years, *Smith* 1-3——Was for six years previously under Sir James M'Gregor, and has had thirty years' experience at home and abroad, as an army surgeon, *ib.* 3-8——In March last expressed a wish to resign, he being much opposed to the contemplated change to a medical Board, *ib.* 28-32. 42-60. 578-583——The state of witness's health had nothing to do with his tender of resignation, *ib.* 43. 51-53.

Reference to a warrant, strongly recommended by witness, approved by Lord Panmure, and the subject of a recent memorial from the medical officers, which warrant tends greatly to improve the condition of the medical officers, *Smith* 393-397. 412; *and App. p.* 314-321.

Circumstance under which witness was appointed Director-general, though junior in the service to Dr. Burrell and several others, *Smith* 485-501——Any civilian holding witness's office would probably expect much higher pay, *ib.* 589——Service of witness in different grades adverted to in connexion with his promotion, *ib.* 4632-4640——Circumstance of his not having served as regimental surgeon, *ib.* 4634-4638——He served for twenty-one years as assistant-surgeon before he was promoted, *ib.* 4640.

See also *Confidential Reports. Control. Governing Body. Military Secretary. Promotion.*

Discipline. Full power of witness in regard to the discipline of the medical officers, *Smith* 96, 97——Want of sufficient authority and control on the part of the surgeons over the assistant-surgeons in the Crimea, *Lord West* 1938-1945. 2023-2026——Control exercised by witness, as Adjutant-general, over the discipline of the Medical Department, *Sir G. A. Wetherall* 3253-3256. 3272. 3282——Importance of military discipline in the case of the Medical Staff Corps, Army Works Corps, &c., *Sir R. Airey* 4340-4346.

See also *Civil Hospitals and Civil Practitioners. Commandants. Medical Staff Corps. Military Authority. Orderlies (Hospitals).*

Disembarkation of Troops. Regulation in regard to the duties hereon of the medical officers, *App. p.* 294.

DISPENSERS:

1. *Explanation and Approval of the new System of Civilian Dispensers.*
2. *Rule that the Medical Officers shall dispense; how observed.*
3. *Objections to the proposed general Employment of Civilians.*
4. *Approval of the System of Hospital Serjeants, &c.*
5. *Propositions for the training of Non-commissioned Officers or Privates.*
6. *Objections to the General Employment of Hospital Serjeants, &c.*
7. *East India Company's Service.*
8. *Navy.*
9. *Ordnance Hospital, Woolwich.*
10. *Recommendations by the Committee.*

1. *Explanation and Approval of the New System of Civilian Dispensers:*

The new dispensers of medicines are for the most part persons who have served in large apothecaries' shops, *Smith* 414. 422. 432. 448——Their pay is 7*s.* 6*d.* a day, the same as assistant-surgeons, *ib.* 415. 442——They hold the rank of an ensign, *ib.* 416——They will wear a distinct uniform, *ib.* 420, 421.

The dispensers already selected had for the most part been already examined as to their competency to dispense, *Smith* 422. 451-453——Examination to which they are subjected, and qualifications required before final appointment, *ib.* 423-428. 433. 453. 454——Those appointed to regiments are to be gazetted as officers; objection offered by witness to this plan, as likely to lead to difficulty in their treatment by the officers, *ib.* 429-432. 436-441. 444-447.

The plan of medical dispensers originated with witness, and was authorised by the War Minister, *Smith* 431. 434——Advantage in substituting the proposed dispensers for hospital serjeants, *ib.* 435——Those appointed to the staff are warrant officers, and it would be well if those attached to regiments were also appointed by warrant, *ib.* 436-440. 446——Rank and qualification of the dispensers adverted to in connexion with their rate of remuneration, *ib.* 448-461——Suggested increase of their pay after a certain period of service, *ib.* 459——Rare instances of mistakes by dispensers in apothecaries' shops, *ib.* 4645-4647.

DISPENSERS—continued.

2. *Rule that the Medical Officers shall dispense; how observed:*

There is a direct order that hospital serjeants are not to dispense, *Smith* 434—— Inexpediency of the present certificate, by the medical officer, that he makes up all medicines, it being impossible for him to do so, *Mapleton* 1412. 1417–1419; *Duke of Cambridge* 3657. 3717——Constant evasion of the rule for the medical officers to dispense the medicines, *Douglas* 1886, 1887; *Sir G. Buller* 1896–1898; *Lord West* 2041–2043; *Lord De Ros* 2588–2590——With the exception of the most common kinds, witness makes up the medicines personally, *Mackenzie* 3164, 3165——On foreign stations the surgeon personally is always supposed to dispense, *Halahan* 3633, 3634——Doubt as to the assistant-surgeons making up the medicines, *Lord Cardigan* 4043. 4049–4052. 4054.

Order, dated January 1846, prohibiting the medical officers from delegating the duty of dispensing, *Smith* 4618, 4619——Witness is bound to believe that the dispensing is actually done by the medical officer, as he signs a certificate to that effect, *ib.* 4619. 4625–4631.

3. *Objections to the proposed general Employment of Civilians:*

Strong disapproval, for various reasons, of the new system of civilian dispensers as commissioned officers, *Burrell* 808; *Mapleton* 1406–1430; *Richardson* 1439. 1446; *Duke of Cambridge* 3654, 3655. 3713–3716. 3753; *Lord Cardigan* 4039–4043. 4117–4119; *Sir R. Airey* 4396–4400. 4406, 4407——An additional assistant-surgeon is far preferable to a civilian dispenser, *Mapleton* 1428——In the Indian army the dispensers are warrant officers, *ib.* 1430.

Great difficulty as regards rank under the proposed plan, *Douglas* 1857. 1881–1884; *Lord West* 2032–2035; *Sir G. Buller* 1892–1895; *Dartnell* 2408–2413; *Lord Cardigan* 4114–4116——Objection to the promotion of the proposed dispensers to the rank of assistant-surgeon, *Douglas* 1862–1864——False position in attaching civilians as commissioned officers, *Douglas* 1857, 1858; *Buller* 1892–1894; *Lord De Ros* 2574. 2581——Dissatisfaction to the men if there were civilian dispensers, *Mackenzie* 3169.

4. *Approval of the System of Hospital Serjeants, &c.:*

The surgeon should be allowed to select a corporal or private as dispenser, who should be recognised as doing the duty, and have some additional inducement for undertaking it, *Mapleton* 1407–1416——Facility for procuring, in each regiment, non-commissioned officers or privates, properly qualified to dispense, or who might readily be taught to do so, *Mapleton* 1408, 1409. 1420–1422; *Sheldrake* 1777–1800; *Douglas* 1856. 1859. 1885, 1886; *Sir G. Buller* 1896; *Mackenzie* 3167. 3172; *Tomlinson* 3770–3772; *Inkster* 3821–3824. 3835–3844; *Lord Cardigan* 4046, 4047. 4056. 4059.

The system of dispensing by non-commissioned officers or privates, as in the Guards, is far preferable to the proposed system of civilian trained dispensers as commissioned officers, *Richardson* 1451; *Douglas* 1854–1864. 1881–1886; *Sir G. Buller* 1890–1896; *Lord West* 2032–2055; *Lord De Ros* 2566–2590; *Bostock* 3000–3005. 3040; *Mackenzie* 3164–3183; *Agnis* 3567, 3568; *Duke of Cambridge* 3652, 3653, 3717; *Lord Cardigan* 4044–4060; *Sir R. Airey* 4401–4405; *Jackson* 4673, 4674.

With proper pay and allowances, efficient dispensers may readily be found, *Lord West* 1968——Trustworthiness and efficiency of an hospital serjeant if properly trained, *ib.* 2036–2040. 2053–2055——The prescriptions very often are not written in Latin, *ib.* 2039, 2040——Favourable operation in the Crimea of the system of dispensing pursued in the Household regiments, *Bostock* 2974–2977. 3005——Witness is not aware of any mistakes or inconvenience having ever arisen under the system, *Bostock* 3024, 3025; *Lord Cardigan* 4047. 4053.

Single instance of any mistake during witness's experience, *Mackenzie* 3166——Witness does not trust the hospital serjeant with poisons, *ib.* 3173——Facility for making out the prescriptions, though written in Latin, *ib.* 3174. 3179–3183——All that is necessary is to compare the writing in the prescriptions with the labels on the bottles, *Tomlinson* 3774; *Inkster* 3811.

Witness was hospital serjeant with the army at Varna, *Inkster* 3806–3808——Had no difficulty in reading the prescriptions or in making them up, *ib.* 3808–3811——Had two corporals who were also perfectly qualified to dispense, *ib.* 3812–3819——Considers that the system of hospital serjeants works remarkably well; has never heard of any mistakes, *ib.* 3819, 3820. 3827. 3846–3852.

5. *Propositions for the Training of Non-commissioned Officers or Privates:*

System suggested for training so many privates throughout each regiment to dispense as in case of war or other emergency might be fully adequate for the purpose, *Lord De Ros* 2566. 2570. 2584, 2585——Advantages of a plan in the cavalry some years ago of training several of the men as farriers, *ib.* 2566, 2567. 2572, 2573. 2584.

Proposition that men showing an aptitude for dispensing should be sent to a general hospital or training school as a means of thoroughly qualifying them for hospital serjeants,

Report, 1856—*continued.*

DISPENSERS—continued.

5. *Propositions for the Training of Non-commissioned Officers, &c.*—continued.

serjeants, *Duke of Cambridge* 3656. 3658. 3709–3717. 3744–3752——The same system, in fact, should be adopted as in the case of schoolmaster serjeants, *ib.* 3656. 3658——The proposed hospital serjeants should have the pay of a quartermaster serjeant, *ib.* 3710–3712.

6. *Objections to the General Employment of Hospital Serjeants, &c.*

Evidence relative to the question of dispensers; advantages and disadvantages respectively of civilian dispensers and of non-commissioned officers, *Hume* 2744–2777——Liability of non-commissioned officers to make mistakes; witness has, in fact, heard of mistakes through the employment of ignorant men, *ib.* 2745–2759——Approval of the abolition of the system of hospital serjeants as dispensers, *Sir G. A. Wetherall* 3316–3320.

Evidence opposed to the employment of non-commissioned officers or privates for compounding and dispensing medicines, *Smith* 4618 *et seq.*——Sundry instances of accidents, some of a fatal character, through the system of serjeants, corporals, or privates as dispensers, *ib.* 4618–4624. 4642, 4643. 4647. 4654, 4655——In the event of any mistake in the prescriptions, dispensers taken from the regiment would not detect it, *ib.* 4641. 4645.

7. *East India Company's Service:*

Particulars relative to the warrant officers attached to the hospitals in India, one class to superintend the Commissariat department, the other class to compound the medicines; the system works exceedingly well, *Martin* 1469–1485; *Grant* 1697–1705——They are efficiently trained for their duties in the great hospitals, civil and military, *Martin* 1471–1475; *Grant* 1698——They are mostly Indian-born sons of European soldiers, *Martin* 1472. 1482; *Grant* 1699——Witness objects to their being made commissioned officers in the first instance, *Martin* 1477; *Grant* 1710——They rank about the same as serjeants in this country, or rather higher, *Martin* 1478, 1479——Desirableness in some instances of rewarding the warrant officers who have been promoted from the hospitals to regiments with unattached commissions, *Grant* 1706–1710.

Suitable system of dispensing followed in India; it is not applicable to the Queen's service, *Bostock* 2997–3002.

8. *Navy:*

System at Haslar of dispensing by means of persons brought up in apothecaries' shops; they do not rank as officers, *Lindsay* 2521–2531. 2546——In the navy the assistant surgeon makes up the ship's medicines, *Sir J. Liddell* 4305——The office of dispenser is held by a civilian, *ib.* 4305–4307.

9. *Ordnance Hospital, Woolwich:*

System of employment, from the ranks, of dispensers who, before enlistment, had been educated professionally, *Halahan* 3632. 3635–3639.

10. *Recommendations by the Committee:*

Resolution that a person duly qualified to compound medicines, and attested for military service, should form a part of the medical establishment of every regiment, *App. p.* iv.

Also that persons duly qualified to compound medicines should be selected either from the medical staff corps, from the ranks of the regular army, or from the orphan sons of soldiers educated at the military asylum, *Rep. p.* iv.

Also that persons from the ranks of the army, &c. should be regularly trained and educated, so as to become duly qualified for the duties of compounding medicines, *Rep. p.* iv.

Also that no one shall be considered eligible to the duties of compounding medicines until he has given proof, on examination by a Board, that he may with safety to the sick soldier be entrusted to such duty, *Rep. p.* iv.

See also *Coldstream Guards. Grenadier Guards. Hospital Serjeants. Life Guards. Scots Fusilier Guards.*

Distinguished Services. Attention paid by witness to special recommendations from the East for promotions or rewards, *Smith* 188. 258. 400. 462——Boon to the Indian service if any act certified as meritorious were to count for a year's service, *Martin* 1565——Letter from Lord West, dated Camp before Sebastopol, 21 June, calling special attention to the distinguished services of Assistant-surgeons Brady, Phelps, Greer, and Wrench during the attack on the Redan, *Ev. p.* 197.

Recommendation by the Director-general that distinguished services should count as a year's service, *App. p.* 320——Concurrence of the Committee in the foregoing suggestion, *Rep. p.* iii.

See also *Despatches. East India Company's Service*, 2. *Good Service Pensions. Honorary Distinctions.*

Report, 1856—*continued.*

Divisional Hospitals. Approval of a partly divisional system of hospitals, *Duke of Cambridge* 3724——Preference given to divisional over general hospitals, *Sir R. Airey* 4419. 4420.

Douglas, Colonel John. (Analysis of his Evidence.)—Served in the Crimea with his regiment, the 11th Hussars, 1853——Considers, for several reasons, that the system of dispensing by means of non-commissioned officers or privates is preferable to the proposed system of trained dispensers as commissioned officers, 1854-1864. 1881-1886——Recommends as highly desirable the appointment of an additional assistant-surgeon to cavalry regiments, 1865-1880——The system of leave of absence of medical men is a great hardship, and should be rectified, 1874, 1875——The regulation that the surgeon or assistant-surgeon should dispense his own medicines is not strictly obeyed, 1886, 1887.

Dressers. Employment at Fort Pitt, Chatham, of an hospital dresser who does the duty of assistant-surgeon, *Dartnell* 2227.

Dumbreck, Dr. Censure of Dr. Dumbreck adverted to as having referred merely to his giving orders verbally, *Smith* 213-216. 238. 375——Circumstance of witness having recommended Dr. Dumbreck for the Companionship of the Bath, *ib.* 235-238.

Copy of letter from Lord Raglan to Dr. Dumbreck, regretting the accidental omission of his name in a despatch after the battle of Inkermann, and testifying to his merits, *App. p.* 322.

Duties. Enumeration of the duties of a regimental surgeon of infantry, *Mapleton* 1155-1160. 1162-1165——Custom, if the assistant-surgeon be efficient, for the surgeon to divide the patients with him, *ib.* 1155. 1169-1171——Duties of a regimental surgeon of cavalry, *ib.* 1158-1166——Slight extent to which surgeons attend to soldiers' wives in confinement, *ib.* 1310-1313——Outline of witness's daily duties as a cavalry surgeon, *Mackenzie* 3070. 3164——Attendance of witness on the soldiers' families, *ib.* 3101.

Enumeration of the duties of army medical officers, *App. p.* 290 *et seq.*——Official regulations in regard to the interior economy of a regiment as affecting the duties of the medical officers, *ib.* 292-295.

E.

East India Company's Service:

1. *Pay, Retiring Allowances, Leave of Absence, &c., of Medical Officers; Advantage over the Queen's Service.*
2. *Deficiency in regard to Prizes and Honorary Distinctions.*
3. *Inadequacy, numerically, of the Medical Staff.*
4. *Competitive System of Examination; its Advantage.*
5. *Promotions from the Lower Grades.*
6. *Governance by means of a Board elected by Seniority; Amendment desirable.*
7. *Views of Lord Dalhousie for an Improved Administration.*
8. *Other Evidence of a General Nature.*

1. *Pay, Retiring Allowances, Leave of Absence, &c., of Medical Officers; Advantage over the Queen's Service:*

Adequacy, intrinsically, of the pay and pensions in the medical department of the East India Company, *Martin* 1460, 1461. 1536 *et seq.*——Sundry advantages of the Indian medical service, in regard to pay, special allowances, private practice, leave of absence and retirement, *ib.* 1536-1614——Practice in regard to the employment of medical officers of the Indian army in the civil service, *ib.* 1539. 1558. 1564——Conditions and terms of retirement; there is full pay after seventeen years' service, and leave of absence counts, *ib.* 1541. 1546-1551. 1566-1568. 1587-1607. 1613, 1614——Advantage to the officers in occasionally having private practice, *Martin* 1552-1557; *Grant* 1712-1717——During the seventeen years' service an officer would probably have been out of India for a year or eighteen months, *Martin* 1566-1569.

Increased pay commences immediately on promotion being gazetted, *Martin* 1575-1577——The highest retiring pension is 700 *l.* a year, after thirty-two years' service, *ib.* 1595. 1603-1605——The relative advantages are greater than are the advantages of the Indian military officers over the Queen's military officers, *ib.* 1600-1602. 1610-1612——Pay of a superintending-surgeon at the rate of from 120 *l.* to 160 *l.* a month, *ib.* 1606, 1607——Few retire at the end of seventeen years, and those who do are actuated by ill-health, *ib.* 1613, 1614——Reluctance of the East Indian Company's surgeons to join the Queen's regiments for any length of time, *ib.* 1616, 1617.

Particulars relative to the medical retiring fund, which is or has been one of the attractions of the Indian service, *Grant* 1653-1656. 1670——It is in fact a mutual insurance fund, the subscriptions being compulsory, *ib.* 1654-1656——Reference also to the

Report, 1856—*continued.*

East India Company's Service—continued.

1. *Pay, Retiring Allowances, Leave of Absence, &c.*—continued.

the military fund, and to the orphans' fund, *Grant* 1657–1660. 1664——Recent arrangements in regard to sick leave, *ib.* 1661–1666. 1669——Pay of a surgeon when with a native regiment, and with an European regiment, *ib.* 1667, 1668.

Greater liberality of the service than of the Queen's service, *Grant* 1671; *Lord West* 2061; *Agnis* 3515——Advantage of the occasional employment in civil offices, *Grant* 1672——There is no retiring pay if an officer be broken down in health before seventeen years' service, *ib.* 1673, 1674——Retirement should be compulsory after thirty-five years' service, *ib.* 1728.

2. *Deficiency in regard to Prizes and Honorary Distinctions:*

Inadequacy of the number of grades and of the honorary distinctions, *Martin* 1461. 1536. 1542–1545——The grades are assistant-surgeon, regimental-surgeon, and superintending-surgeon; corresponding grades in the Queen's service, *ib.* 1462–1467——Few instances of the distinction of C. B. being given in the service, *Martin* 1544; *Grant* 1675–1678.

Paucity of candidates attributed to the very few prizes in the service, and to the more rapid promotion in the Queen's service, *Grant* 1650–1653——Just ground for complaint on the score of decorations or honorary distinctions, *ib.* 1675–1681——Deficient administration of the service in the fact of the prizes being rather premiums on longevity, *ib.* 1682. 1727——Approval of the grade of staff-surgeons as a prize higher than that of a regimental surgeon; duties to devolve upon them, *ib.* 1685. 1722–1726.

3. *Inadequacy, numerically, of the Medical Staff:*

Insufficient number of medical officers attached to the Indian regiments, *Martin* 1490–1495——The medical establishment in India is generally under its number, *Grant* 1639. 1648——Occasional instances of the Queen's service lending surgeons to the East India Company's troops, *ib.* 1640——Heavy duties of the medical officers through the insufficiency of their numbers, *ib.* 1693.

4. *Competitive System of Examination; its Advantage:*

Adoption, lately, of a system of competition for appointments; anticipated good effects thereof, *Martin* 1579–1584——More trying examination and higher class of medical men than in the Queen's service, *Agnis* 3572–3574.

5. *Promotions from the Lower Grades:*

Deviation advisable from the present rule of promotion of assistant-surgeons by seniority, *Martin* 1486–1488——Promotion is often very slow, *ib.* 1572, 1573——Examination, in some cases, before promotion, *Grant* 1719–1721.

6. *Governance by means of a Board elected by Seniority; Amendment desirable:*

Constitution of the Medical Board by seniority; it comprises the three oldest members in the service, *Martin* 1463, 1464. 1468——Objection to the principle of seniority in the administrative department, *ib.* 1463. 1512, 1513. 1574——The ages of the members of the Board are between sixty and seventy; bar to efficient administration thereby, *ib.* 1468. 1574——Advantage of a director-general, properly assisted and controlled, over a Board, *Martin* 1511; *Grant* 1687–1691——Inadequate means of the Board for judging of official capacity, *Grant* 1691. 1722, 1723.

7. *Views of Lord Dalhousie for an improved Administration:*

Recent departure, by Lord Dalhousie, from the rule of seniority in cases of promotion, *Martin* 1464——Plan of supernumerary officers proposed by Lord Dalhousie in order to meet contingencies, *ib.* 1490. 1496, 1497.

Leading features of the new medical system proposed by Lord Dalhousie; approval thereof, *Grant* 1683 *et seq.*——More numerous grades and prizes under this plan, *ib.* 1684–1686. 1722–1727——Lord Dalhousie proposed that there should be a director-general, who should be assisted (but not controlled) by an inspector-general of army hospitals, and an inspector-general of civil hospitals, *ib.* 1684.

8. *Other Evidence of a general Nature:*

Disadvantage to the discipline and medical efficiency of the Bengal army in the native regiments being so much scattered in detachments, *Martin* 1507, 1508——Juxtaposition into which the medical officers of the Company's service and the Queen's service are brought, *ib.* 1509, 1510——Administrative duties of the superintending surgeon, *ib.* 1532——He does not interfere with the treatment pursued by the regimental surgeons, *ib.* 1533–1535.

Constant practice for Indian medical officers to serve in the Queen's regiments in India; how this is effected, there being no supernumerary list for the purpose, *Grant* 1637——Considerable advantage to Indian medical officers, of experience in the practice of European

Report, 1856—*continued.*

East India Company's Service—continued.

8. *Other Evidence of a general Nature*—continued.

pean regiments, *Grant* 1637, 1638. 1643–1645——Necessary attendance on European soldiers' wives, *ib.* 1694–1696——Several ranks employed in an European hospital in India, *ib.* 1700.

See also *Confidential Reports*, 4. *Dispensers*, 7. *Rank and Relative Position*, 2.

Education. Professional education of witness; its cost, *Mapleton* 1041. 1046–1048; *Mackenzie* 3049, 3050——Expense of the several medical schools adverted to, *Mapleton* 1047–1049.

Doubt as to the medical officers or non-commissioned officers being better educated now than they were thirty years ago, *Smith* 4654–4658.

See also *Qualifications.*

Embarkation of Troops. Regulations as to the duties hereon of the medical officers, *App. p.* 294.

Endurance of Suffering. Testimony to the great endurance and patience exhibited by the soldiers in hospital during the late war, *Bostock* 3033, 3034; *Duke of Cambridge* 3640–3643; *Maunder* 3916–3919——Our soldiers always do evince great patience and fortitude in hospital, *Lord Cardigan* 4105.

Examinations:

1. *Course of Examination on Appointment.*
2. *Suggestions for an improved System.*

1. *Course of Examination on Appointment:*

System of examination at the Medical Board; there is no verbal examination unless the written examination prove unsatisfactory, *Mapleton* 1061–1065. 1070–1074——Particulars relative to the questions comprising the written examination, and as to the manner in which applied; witness, when at the Medical Board, drew up some of them, *ib.* 1077–1088. 1090–1097. 1115, 1116——The examination comprises the practice of medicine, drugs, midwifery, and diseases of women, *ib.* 1116——Examination relative to manipulation is not necessary, *ib.* 1125——Written rudimentary examination on entering the department, *Agnis* 3524–3528.

2. *Suggestions for an improved System:*

Great importance of a more rigid examination on entrance, *Burrell* 737–746. 767–777. 782–784; *Mapleton* 1055, 1056; *Rees* 3376–3380——Advantage of examination in practical surgery at a general hospital, *Burrell* 747–750. 813–816——The system adopted by the East India Company, or the system in France should be adopted, *ib.* 778, 779.

Suggested mode of examination if the Medical Board be no longer employed in the matter, *Mapleton* 1067–1069. 1126–1132——The examination, in such case, should be at the metropolis of the country to which the candidate belongs, and should be conducted by an independent body, *ib.* 1068. 1126. 1233——The military profession of surgery at each metropolis should be one of the examiners, *ib.* 1068, 1069. 1126, 1127. 1131, 1132——Advantage of an elementary examination in regard to drugs and chemical tests, *ib.* 1123, 1124.

Doubt as to the necessity of special examination in reference to the medical treatment of lunatic soldiers, *Dartnell* 2327–2338——Advantage of medical men, more especially of army officers, being examined in drugs, *Rees* 3343–3345.

See also *Competition. Probation. Promotion*, 4.

Exchanges. Suggested opportunity of exchange in the case of officers ordered to foreign stations, *Mackenzie* 3161–3163——Practice in the navy to permit exchanges from ship to ship on proper reason being shown, *Sir J. Liddell* 4219–4222.

Executive Officers. The executive officers should be the staff surgeons, or surgeons of the forces, and assistant staff or assistant regimental surgeons, *Mapleton* 1189. 1254.

See also *Staff Surgeons.*

Expenditure (Director-General). Improvement in regard to financial arrangement if witness were definitively empowered to incur expenditure, in peace as well as in war, without communicating in the first instance with his superiors; about 4,000 *l.* or 5,000 *l.* placed to his account yearly would suffice for the purpose, *Smith* 67–95.

Opinion that there is no necessity for placing a sum of about 5,000 *l.* a year at Dr. Smith's uncontrolled disposal, *Sir B. Hawes* 3495——Doubt as to the refusal of any supplies ever recommended by Dr. Smith, *ib.* 3497.

See also *Filtering Machines.*

Report, 1856—*continued.*

Expenditure (*Heads of Hospitals, &c.*) Objection to a general power in the heads of the hospitals at Chatham, Portsmouth, &c. to procure medical comforts at their discretion, *Smith* 91–94——Authority given to witness to purchase medicines at Constantinople, *Burrell* 849——Representation by witness to Dr. Smith of the want of huts, hospital furniture, &c. at Shorncliffe, he (witness) not having authority to make purchases locally, even if the things required could have been so provided, *Menzies* 1005. 1012–1015——Advantage if the principal officers at hospitals had more power to provide articles locally, *ib.* 1016.

Witness has never experienced any difficulties in regard to supplies of drugs, leeches, trusses, &c., and sometimes procures them locally, being reimbursed from head-quarters without difficulty, *Mapleton* 1396–1400——Medical officers generally should have more power in regard to procuring requirements for the sick, *Dartnell* 2262–2266——Power of Dr. Parkes, head of the Renkioi Hospital, with respect to expenditure on repairs, &c., *Sir B. Hawes* 3465–3473——Importance of removing the limitation in regard to the provision of hospital comforts by regimental surgeons, *Sir R. Airey* 4539–4542.

F.

Favouritism. Less imputation of favouritism if a Board were constituted, *Lord De Ros* 2633; *Mackenzie* 3210–3212——Witness is not aware of any instance of unfairness under the system of a director-general, *Lord Cardigan* 4095.

Field Hospitals. Case adverted to of an hospital hut supplied in the Crimea in an incomplete state in August last, and still incomplete in December, *Smith* 379–381——Deficient inspection at first of the regimental hospital of the 21st Fusiliers in the Crimea; improvement subsequently, *Lord West* 1926–1937——Want of straw in the tents for the patients to lie on, *ib.* 1979–1982. 1984.

Filtering Machines. Circumstance of exception having been taken to the authority exercised by witness in ordering, on his own responsibility, the purchase of drip-stones for Aldershot and Shorncliffe, *Smith* 73, 74. 84——Reference to communications (*App. p.* 303, 304) between Dr. Andrew Smith and witness in October 1855, relative to the payment for filtering machines supplied at Shorncliffe and Aldershot, *Sir B. Hawes* 3495, 3496.

Forage. Evidence in favour of the abolition of deductions on account of forage for the horses of surgeons and assistant-surgeons, *Mapleton* 1261–1264. 1279–1281; *Lord De Ros* 2691; *Mackenzie* 3102, 3103. 3220; *Sir G. A. Wetherall* 3286; *Duke of Cambridge* 3740——Daily deduction of 8½ *d.* per horse for forage, *Mackenzie* 3102; *Agnis* 3536. 3540. 3549–3551——Stoppage for forage from the pay of regimental surgeons, but not from the pay of other officers, *Mapleton* 1309——Recommendation by the Director-general that the forage be allowed, *App. p.* 317.

Foreign Service. Service in foreign climates should not count at an increase, *Mapleton* 1270——Improvement if foreign service were to count for more than home service, *Duke of Cambridge* 3696——Advantage to naval medical officers in their periods of foreign service in different places, *Sir J. Liddell* 4257–4259——Invariable observance by witness of the roster in regard to sending officers on foreign service, *Smith* 4561——Objection by the Director-general to the proposition that colonial service should count extra, *App. p.* 320.——*See* also *Cavalry.*

Foreign Stations. Greater chance of promotion on foreign than on home stations, *Smith* 470–472——Impartial conduct of witness in appointing to foreign stations, *ib.* 472–475.

How the stations abroad are defined, *Mapleton* 1218–1228——In the event of a vacancy on a foreign station the duty should be performed by the senior officer on the station till the arrival of the officer senior in the whole service, *ib.* 1231. 1233–1235.

Instances in which seniority operates specially on a foreign station, so that an officer junior in the service may be made staff surgeon of the first class, *Smith* 4548. 4559, 4560——Further statement by the Director-general in approval of the present system of promotion on foreign stations, *App. p.* 320, 321.

Fort Pitt. See *Chatham.* *Probation.*

French Hospitals. The French hospitals at Pera were very dirty in June 1855, *Maunder* 3953–3957.

Funeral Honours. Recommendations by the Director-general on this subject. *App. p.* 318——Concurrence of the Committee in the foregoing, *Rep. p.* iii.

Report, 1856—*continued.*

G.

General Hospitals. Importance of the formation of a large general hospital at home, *Duke of Cambridge* 3732.——*See* also *Divisional Hospitals. Regimental Hospitals.*

Good Service Pensions. Reference to some instances of distinguished conduct in the field, and to the propriety of rewarding such conduct by good service pension rather than by promotion, *Smith* 185-192. 207-211——Advantage if there were good service pensions in the Navy Medical Department, *Sir J. Liddell* 4271, 4272.

Governing Body:

1. *Preference given to the System of a Director-general over a System of a Medical Board.*
2. *Evidence in favour of a Board.*

1. *Preference given to the System of a Director-general over a System of a Medical Board:*

About March last witness was told by Lord Panmure that it was intended to re-organise the department, and to form a Medical Board, which should comprise a civil element, *Smith* 26-30. 60——Evidence relative to witness's offer of resignation, and to the subsequent abandonment of the plan of a Board, *ib.* 28-32. 42-60. 578-583——Grounds upon which witness specially objects to the introduction of a civil element as injurious to the service, *Smith* 43-49. 54, 55. 553-557. 586-591; *Duke of Cambridge* 3683-3685——Witness also objected to the contemplated Board as being in effect a slight upon himself, *Smith* 45. 48——Opinion in favour of witness's individual responsibility as preferable to a Medical Board, *ib.* 45. 48. 361.

It was subsequently communicated to witness that the civil element would not be introduced, *Smith* 57-59 —— In accordance with Lord Panmure's direction, witness eventually submitted a new organisation of the department, and his proposition has in the main been carried out, *ib.* 60-64.——Opinion that the changes already effected or now in progress have rendered the organisation efficient for all purposes in time of peace and in time of war, *ib.* 65-67.

Further evidence opposed to the appointment of a Board to deal with promotions and to conduct the medical service generally, *Smith* 361. 551-591——Failure of the system of Boards, as shown by former experience, *Smith* 551; *Hume* 2733-2736; *Sir R. Airey* 4469-4471——Disagreement and delay under the system of a Board, *Smith* 552. 557. 575-577——Witness prefers the system of Director-general (with his power of forming subordinate Boards) and of individual responsibility, to a system of a Medical Board, *Sir G. A. Wetherall* 3310, 3311; *Duke of Cambridge* 3674, 3675. 3683-3688. 3718-3720.

Resolution of the Committee, that the governing power of the Army Medical Department should be vested, as at present, in one individual, and not in a Board, *Rep. p.* iii.

2. *Evidence in favour of a Board:*

Improvement if the promotions, &c., were under a Medical Board, *Burrell* 787-789; *Lord Cardigan* 4079-4097——Proposition that the Medical Department be governed by a Board, consisting of a chief, with two assistants next in rank to himself, and aided by a military secretary, *Lord De Ros* 2623-2638.

Recommended establishment of a Board of three senior medical officers in lieu of the system of a Director-general, *Mackenzie* 3202-3207. 3210-3213——The chief of the Board should be permanent, and the other two members removable every three years, *ib.* 3203——A majority of votes should decide each question, *ib.* 3204.

See also *Commander-in-Chief. Control. Director-general. East India Company's Service,* 6. *Favouritism.*

Grades. With reference to the several ranks, six in number, in the Medical Department, witness would abolish those of acting assistant-surgeon and staff surgeon of the first class, *Mapleton* 1187-1209. 1254——Gradation of medical men in civil hospitals, *Rees* 3327——Grades hitherto of Ordnance medical officers, *Halahan* 3606.

Grant, Alexander. (Analysis of his Evidence.)—Has been nearly sixteen years in the medical service of the East India Company in different capacities; has been personal medical attendant of Lord Dalhousie since 1848; 1633-1636——Constant practice for Indian medical officers to serve in the Queen's regiments in India; how this is effected, there being no supernumerary list for the purpose, 1637——Considerable advantage to Indian medical officers of the experience in the practice of European regiments, 1637, 1638. 1643-1645——Occasional instances of the Queen's service lending surgeons to the East India Company's troops, 1640.

Advantages of the recent competitive system of examination for the Indian service, 1646, 1647——There is at present no probationary period, through the insufficiency of officers

Report, 1856—*continued.*

Grant, Alexander. (Analysis of his Evidence)—*continued.*

officers, 1648, 1649——Paucity of candidates attributed to the very few prizes in the service, and to the more rapid promotion in the Queen's service, 1650–1653——Particulars relative to the medical retiring fund, which is or has been one of the attractions of the Indian service, 1653–1656. 1670——Reference also to the Military fund and the Orphan fund, 1657–1660. 1664.

Recent arrangements in regard to sick leave, 1661–1666. 1669——Pay of a surgeon when with a native regiment and with an European regiment, 1667, 1668——Advantage over the Queen's service as regards pay, 1671——Advantage of the occasional employment in civil offices, 1672——There is no retiring pay if an officer be broken down in health before seventeen years' service, 1673, 1674——Just ground for complaint in the service on the score of decorations or honorary distinctions, 1675–1681.

Deficient administration of the Indian medical service in the fact of the prizes being rather premiums on longevity, 1682. 1727——Leading features of the medical system proposed by Lord Dalhousie; approval thereof, 1683 *et seq.*——More numerous grades and prizes under this plan, 1684–1686. 1722–1727——Approval of the abolition of the Board, and of the appointment of a director-general with certain checks upon his being absolute, 1687–1691.

Proposal by Lord Dalhousie to place the medical officers in the same position as the military officers in regard to substantive rank and honours; evidence in approval thereof, 1686. 1729–1745——Inadequate means of the Board for judging of official capacity, 1691. 1722, 1723——Slight mortality in the native regiments, 1692——Heavy duties of the medical officers through the insufficiency of their numbers, 1693——Necessary attendance on European soldiers' wives, 1694–1696.

Particulars as to, and approval of, the system of subordinate officers, such as dispensers and dressers, in the European hospitals in the Company's service, 1697–1705——Desirableness in some instances of rewarding the warrant officers who have been promoted from the hospitals to regiments with unattached commissions, 1706–1710——Contributions to science by the medical officers are entirely voluntary, 1711——Advantage to the officers in occasionally having private practice, 1712–1717.

Opportunity of the regimental surgeons of the Queen's army for seeing hospital practice in India, 1718——Examination in some cases before promotion, 1719–1721——Retirement should be compulsory after thirty-five years' service, 1728——The mortality among the medical officers is one per cent. greater than among the military officers, 1746.

Grenadier Guards. Means by which witness learned to dispense when in the Grenadier Guards, *Jackson* 4665——There was no difficulty in reading the prescriptions which were in Latin, *ib.* 4666–4668. 4675–4678——Duties devolving on witness when attached to the Guards' hospital; no accident ever occurred in carrying them out, *ib.* 4667–4683——He has trained six others to dispense, none of whom ever made the least mistake, *ib.* 4670. 4683——The directions for the patient were always written in English, *ib.* 4679, 4680——The poisonous drugs were kept in a cupboard by themselves, *ib.* 4682.

Grievances. See *Leave of Absence. Pay. Promotion. Rank and Relative Position. Servants.*

Guards' Brigade. Absence of direct superintendence over the medical arrangements of the brigade in the East, *Bostock* 2969–2971. 2989. 2994–2996.

See also *Coldstream Guards. Grenadier Guards. Scots Fusilier Guards.*

H.

Halahan, John Wallen, M.D. (Analysis of his Evidence.)—Is deputy inspector of the Ordnance Medical Department, 3575——The department has nominally been under Dr. Smith for the last two years, but the new regulations have only recently been brought into practice, 3576–3578. 3602, 3603. 3613–3615——Control formerly of the department by an Inspector-general, 3579, 3580——System of service on foreign stations, 3581–3589——Absence of confidential reports, 3590, 3591——Mode of supply of drugs, 3592–3594——Examination before appointment; diplomas required, 3595. 3597.

Promotion hitherto in the Ordnance entirely by seniority, 3596. 3598–3601——Advantage to the Ordnance officers in being open for promotion in the Line, 3602–3605. 3609–3612——Grades hitherto of Ordnance medical officers, 3606——Ordnance surgeons are now considered equally as surgeons of the Line, 3615–3618——Explanation as to the internal economy of the Ordnance hospitals, 3619–3639.

Half Pay. Service of surgeons on half-pay does not count at all; this is the case in regard to all officers, *Smith* 466. 468——Witness has recommended, an increased rate of half-pay, *ib.* 467——Power to retire on half-pay after twenty-five years' service, *ib.* 506——

Report, 1856—*continued.*

Half Pay—continued.

Impartial practice of witness in recommending to the higher scale of half-pay, *Smith* 548–550.

Reference to an instance of a medical officer placed on half-pay through misconduct, *Burrell* 839, 840. 908——Propriety of the half-pay being fixed, with reference to the years of service, and not with reference to the full pay, *Mapleton* 1316, 1317——Present system of half-pay of cavalry surgeons, *ib.* 1317.

See also *Leave of Absence.* *Retirement, &c.*

Hall, Sir John., M. D., K. C. B. Indirect character of the censure passed on Dr. Hall by the Commander-in-chief in the Crimea, *Smith* 223–227——Circumstance of witness having recommended Dr. Hall for the Order of the Bath, *ib.* 233, 234——Considerable experience of Dr. Hall, *ib.* 266——Censure in General Order, dated 13 December 1854, of Dr. Hall, with reference to the state of the sick on board the "Avon," *ib.* 277.

Explanation as to the principle of selection having been partly resorted to in appointing Dr. Hall in lieu of Dr. Lawson, his senior in rank, *Smith* 476–484——Excellent instructions issued by Dr. Hall, whose duty it was, subject to the Commander-in-chief, to make regulations for supply in the event of any movement of the army, *ib.* 4606–4612.

Letter from Dr. Hall to the Director-general, dated 31 July 1855, relative to the assistant-surgeons' memorial, *App. p.* 295.

Memorandum by Dr. Hall for the information of medical officers on taking the field for active service, *App. p.* 323–325——*See* also *Inspector-General of Army in the East.*

Haslar Naval Hospital. Witness is senior medical officer of Haslar Hospital, *Lindsay* 2469——Particulars as to the articles found for patients in the hospital, *ib.* 2470–2491——The vessels at Haslar for drinking out of, are of crockery ware, tin vessels not being used, *ib.* 2483–2485——Payment by the patients in case of wilful breakages, *ib.* 2491—— System of orderlies and female nurses, *ib.* 2492–2501. 2541–2544.

Facilities of witness for obtaining hospital supplies and medical comforts, *Lindsay* 2502–2504. 2517. 2518——Very liberal scale of diet, medical comforts, &c., *ib.* 2517, 2518. 2545——Medical staff of the hospital, *ib.* 2519——There are at present 700 patients, *ib.* 2520——Excellent anatomical museum at Haslar, *ib.* 2547–2550.

Regulations in regard to the entrance of common sailors and of officers, *Sir J. Liddell* 4278–4288——Available accommodation, and present numbers in the hospital, *ib.* 4289–4292.

Hawes, Sir Benjamin, K.C.B. (Analysis of his Evidence.)—Had immediate cognizance of the arrangements relative to the civil hospitals in the East, 3381, 3382——Origin of these hospitals in the emergency which arose, late in 1854, through the insufficiency of the army medical department, 3383–3387. 3413–3417. 3440–3444——Report of eminent medical men upon which Mr. Sidney Herbert established the hospital at Smyrna, 3383. 3450—— Intention from the first, duly carried out in practice, that the hospitals should not be subject to military discipline or organisation; approval thereof, 3388. 3423–3439. 3446–3453——In the civil as well as the military hospitals the purveyor is subject to the principal medical officer, 3389. 3466–3472.

Favourable character of the returns from Renkioi as to its sanitary state, 3390, 3391——Satisfactory results of the Smyrna hospital, save for a short time after its establishment, 3392, 3393. 3397—— Retention of Smyrna hospital up to a recent date, notwithstanding the establishment of Renkioi, 3394–3398——Antecedents of Mr. Spencer Wells, one of the medical officers at Smyrna, 3399–3406——Dr. Meyers, who is coming home, was chief officer at Smyrna, 3406, 3407.

Regulations in regard to the pay of the civil medical officers; gratuity to be given on the termination of their services, 3408–3412. 3464——Advantage, unaccompanied by hardship, in employing civil medical officers during any emergency, rather than of increasing the pay and number of army surgeons, 3413–3422. 3440–3445. 3454, 3455. 3493——Very favourable result generally of the civil hospitals; testimony of Dr. Hall to this effect, 3445, 3446——Excellent treatment of wounded soldiers by the civil surgeons, 3456–3458.

Particular articles found for the soldiers in the civil hospitals, 3460——Similar regulations in the civil as in the military hospitals in regard to the allowances, clothing, &c. of the patients, 3461–3463——Power of Dr. Parkes, head of Renkioi Hospital, with respect to expenditure on repairs, &c., 3465–3473——Usefulness to the medical department of Mr. Calvert, consul at the Dardanelles, 3474——Incomplete state of Renkioi through a deficiency of patients, 3475. 3494——Particulars relative to the orderlies, more especially the civilian orderlies at Renkioi, 3476–3482.

Proportion of attendants of different classes provided by the medical staff corps for an hospital of 500 men, 3483, 3484——Estimate of 28,000 *l.* as the annual expense of the civil

Hawes, Sir Benjamin, K. C. B. (Analysis of his Evidence)—*continued.*

civil hospitals at Renkioi, 3486, 3487——Able character of a report by Dr. Lyons, one of the civil medical officers, 3488——It rested with the chief army medical officers to send patients to the civil hospitals, 3489–3494.

Reference to communications between Dr. Andrew Smith and witness, in October 1855, relative to the payment of filtering machines supplied at Shorncliffe and Aldershot, 3495, 3496——Opinion that there is no necessity of placing a sum of about 5,000 *l.* a year at Dr. Smith's uncontrolled disposal, 3495——Doubt as to the refusal of any supplies ever recommended by Dr. Smith, 3497.

Judgment exercised by the War Department in regard to the retiring allowances of the medical officers, 3498——The regulations or warrant in regard to qualification on appointment to the medical service, or in regard to promotion, cannot be altered by Dr. Smith, 3499, 3500——Discretion of the Minister for War in regard to recommendations for hastening any officer's promotion, 3501——Reference to the medical certificate required by the War Department before an officer is allowed to sell out, 3502, 3503.

Honorary Distinctions. The medical officers who distinguished themselves during the war have not received any honours till recently, and then the honour was, necessarily, limited to the higher grades, *Smith* 372–374——Rare instances of honours to medical officers during the Peninsular War, *Hume* 2779–2781.

Recommendation by the Director-general for acknowledging the claim of the medical officers, *App. p.* 318——Concurrence of the Committee in the foregoing recommendation, *Rep. p.* iii.

See also *Despatches.* *East India Company's Service*, 2.

Honorary Physicians and Surgeons to Her Majesty. Suggestion by the Director-general that a limited number of the medical officers be honoured with this distinction, *App. p.* 320.

Hospital Appointments. Appointments to hospitals at home are generally made for three years, *Smith* 146–148.——*See* also *Chatham.* *Removals and Transfers.*

Hospital Orderlies. *Medical Staff Corps.* *Orderlies (Hospitals).*

Hospital Serjeants. Extra pay of 1 *s.* 6*d.* a day as hospital serjeant or steward in the Guards, *Sheldrake* 1751; *Simpson* 1811——Power of the hospital serjeant to exercise terrorism over the minds of the patients, and to abuse his trust, *Lord West* 1948–1952——The pay and rank of the hospital serjeants should be raised, *ib.* 1953–1962. 1968. 2050–2054; *Bostock* 3003, 3004; *Mackenzie* 3171.; *Duke of Cambridge* 3710–3712; *Lord Cardigan* 4056. 4058——In general hospitals the hospital serjeants' duties are divided and performed by different individuals differently paid, *Dartnell* 2189–2191.

See also *Coldstream Guards.* *Dispensers.* *Grenadier Guards.* *Life Guards.* *Scots Fusileer Guards.*

Hospital Stoppages. Stoppage of 10*d.* a day from pay when in hospital, *Mapleton* 1377——There is now no stoppage when on service, *ib.* 1378——There were no hospital stoppages in the Crimea, *Lord West* 2020——Superfluous amount deducted in the shape of hospital stoppages, *Dartnell* 2139–2141; *Bostock* 3042–3044.

Great hardship to the soldier through the hospital stoppage of 10*d.* a day, *Lord De Ros* 2671–2673——Difficulty in putting an end to the system of hospital stoppages from soldiers' pay, *Duke of Cambridge* 3736–3739——Objection to any distinction as regards stoppages between married and unmarried men in hospital, *Sir R. Airey* 4488–4490——Expediency of abolishing as much as possible the system of stoppages, *ib.* 4490–4493. 4505–4507.

Stoppage of 8*d.* a day from the sailor's pay if more than three months in hospital, *Lindsay* 2506–2509——Absence of stoppages from the pay of sick men entering the naval hospitals from ships, *Sir J. Liddell* 4251–4253.

Resolution of the Committee that the question of hospital stoppages be left to the discretion of the Horse Guards and the War Office, *Rep. p.* iv.

Hospitals, Internal Economy of. Importance of its being the practice in regimental hospitals, as well as in general hospitals, that the shirts and linen and other articles used by the patient be provided by the hospital, *Burrell* 856–862; *Mapleton* 1375, 1376; *Sir R. Airey* 4502–4504——Proper basins or cups should be provided for drinking out of, *Burrell* 863——Internal economy of naval hospitals adverted to, *ib.* 864. 865. 896–898——Articles which the soldier in a regimental hospital is obliged to find, *Mapleton* 1373, 1374.

Tin cups are provided at Chatham to drink out of; it would be an improvement if they were crockery or pewter, *Dartnell* 2110, 2111. 2142——It might be proper to supply personal linen, *ib.* 2124——Particulars as to the articles found at Haslar Naval Hospital, *Lindsay* 2470–2491——Doubt as to the expediency of shirts, &c., being found

Report, 1856—*continued.*

Hospitals, Internal Economy of—continued.

for the soldier in hospital save in cases of emergency, *Mackenzie* 3221–3224——More liberal treatment of sick soldiers of late years in minor matters, *ib.* 3225, 3226.——Doubt as to the necessity of crockery in lieu of tins for the soldiers to drink out of, *ib.* 3228, 3229.

Approval of everything being found for the soldier in general hospitals, but not in regimental hospitals, *Duke of Cambridge* 3690–3694——Propriety of men in regimental hospitals, though not perhaps in general hospitals, retaining their own clothes, *Lord Cardigan* 4077, 4078——Similar arrangement throughout the fleet and in all the naval hospitals, as well as at Haslar, in regard to the articles found for patients, *Sir J. Liddell* 4209, 4210.

Resolution that the standard of providing clothing and earthenware vessels for eating and drinking at Haslar Hospital be extended to the general hospitals of the army, *Rep. p.* iv.

See also *Chatham.* *Civil Hospitals and Civil Practitioners.* *Dispensaries.* *Expenditure (Heads of Hospitals).* *Haslar Naval Hospitals.* *Medical Staff Corps.* *Orderlies (Hospitals).* *Purveyors.*

Hume, John Robert, M.D. (Analysis of his Evidence.)—Entered the Army Medical Department in 1799, and was placed upon the retired list in 1823; 2699, 2700——Served throughout the Peninsular War, in Walcheren, and in Egypt, 2700–2703——Great difference between the war in the Peninsula and the recent war, in regard to accommodation for the sick, 2704–2709——System of hospital ships in frequent use during the Peninsula War, 2710–2715——Mode of accommodation of the sick in Walcheren; the number of sick was immense, 2716. 2828, 2829.

Extent of sickness in the Peninsula, 2717, 2718——Provision made for the conveyance of the sick and wounded during Sir John Moore's retreat, and the retreat from Burgos, 2719–2724——Witness is not cognizant of any system of confidential reports to the head of the Medical Department during the war in the Peninsula, 2726–2732——Failure formerly of Boards for conducting the department, 2733–2736.

Staff of two assistant-surgeons with the regiments in the Peninsula, Walcheren, and Egypt, 2737–2743——There should be two assistant-surgeons for each regiment during peace as well as during war, 2739–2741. 2812——Want chiefly of hospital attendants in the Peninsula, 2741——Evidence relative to the question of dispensers; advantages and disadvantages respectively of civilian dispensers, and of non-commissioned officers, 2744–2777——Rare instances of honours to medical officers during the Peninsular War, 2778——Mention of distinguished medical conduct in the despatches, 2779–2781.

Evidence with reference to accommodation for lunatic officers and soldiers, 2782–2801——Want at times of medical officers in the Peninsula; civilians were not introduced, 2803, 2804——Want of medical officers in Walcheren; civilians were employed, but not in the field, 2805–2811——Doubt as to hardships in regard to leave of absence, on account of the insufficiency of the department, 2812–2816——Exceptional instances in the Peninsula of the higher grades performing operations or prescribing, 2819–2821——Doubt as to the system of the department being justly blameable for any failures or sufferings during the late war, 2822, 2829.

I.

Incapacity. System of inquiry by medical officers, and of reduction to half-pay in the event of cases of *mala praxis*, *Smith* 153–161——Opportunity for arriving at cases of *mala praxis*, through means of the military hospital books, *Burrell* 831–834——There is at present no means of insuring that incapacity is duly represented, and incapable men removed from the service, *Mapleton* 1294–1296.

India. In European regiments in India, there are generally one surgeon and two assistant-surgeons, *Martin* 1498, 1499——Opportunity of the regimental surgeons of the Queen's army for seeing hospital practice in India, *Grant* 1718.

Individual Responsibility. See *Director-General.* *East India Company's Service,* 6. *Governing Body.*

Inkster, Serjeant Thomas. (Analysis of his Evidence.)—Was hospital serjeant with the army at Varna, 3806–3808——Had no difficulty in reading the prescriptions or in making them up, 3808–3811——Had two corporals who were also perfectly qualified to dispense, 3812–3819——Considers that the system of hospital serjeants works remarkably well; has never heard of any mistakes, 3819, 3820. 3827. 3846–3852——Serjeants and corporals readily become competent to dispense, 3821–3824. 3835–3844——There was no difficulty in the East, in procuring orderlies, 3825, 3826——Witness returned home in ill-health, but is about to resume his duties as hospital serjeant, 3828–3832.

Report, 1856—*continued.*

Inspector-General of the Army in the East:

1. *Explanatory Statement hereon by the Director-general.*
2. *Complaint by Dr. Burrell in regard to the Appointment.*
3. *Correspondence between the Director-general and Dr. Burrell.*

1. *Explanatory Statement hereon by the Director-general:*

Appointment of Dr. Burrell as deputy inspector to the expeditionary army of 10,000 men first ordered to Malta, *Smith* 165. 172——Communication made to Dr. Burrell, that on the army proceeding to Turkey he would be superseded by a senior officer as inspector-general, *ib.* 166. 262. 267–269——Appointment subsequently of Dr. Hall, who was ordered from India for the purpose, *ib.* 167——Explanation and defence of the appointment of Dr. Hall as inspector-general, in lieu of the appointment of Dr. Burrell to that position, when it was known that the army might be increased to some four times the original number, *ib.* 168–178. 257–269.

Dr. Hall, as senior in rank, was by the rules of the service entitled to the appointment, *Smith* 172–174. 177, 178. 259–261. 266. 4597——The appointment of Dr. Burrell would moreover have been a double promotion contrary to regulation, *ib.* 172. 177, 178. 4590–4592——There was nothing professionally to disqualify Dr. Burrell, *ib.* 175, 176——Circumstance of witness having offered Dr. Burrell an appointment in India far more lucrative than that of deputy inspector in the East, *ib.* 262. 268–275——Dr. Hall had had a more extended experience than Dr. Burrell, *ib.* 266.

Further evidence in defence of the appointment of Dr. Hall over Dr. Burrell; explanation as to the latter having subsequently been placed on half-pay at his own request, *Smith* 515–520. 4589–4597.

2. *Complaint by Dr. Burrell in regard to the Appointment:*

In March 1854 witness was appointed deputy inspector in Malta, *Burrell* 620–622——On the 20th February previously he had been appointed principal medical officer with the expeditionary force of 10,000 men first sent out; official documents hereon, *ib.* 623–627——Later in February he was told by Dr. Smith in a demi-official letter that the army would be augmented and would become the charge of an inspector-general, *ib.* 628, 629——Witness left Malta for Scutari on 25 April 1854, his departure having been unavoidably delayed, *ib.* 630–633. 640–646——He remained at Scutari till 26 May, and then returned to England in accordance with an official letter from Dr. Smith, dated 15 April, cancelling his appointment as deputy inspector-general, *ib.* 634–639.

By letter dated 2 March Dr. Hall was appointed as inspector-general to succeed witness, *Burrell* 647–650——Dr. Hall was junior to witness in service, but senior in rank, *ib.* 651–660——Explanation relative to the resignation of witness on the appointment of Dr. Hall as inspector-general; grounds for the conclusion that he was unfairly dealt with, *ib.* 651–668. 709–712. 727–736——Departure from the usual custom in selecting the chief medical officer from India, *ib.* 661. 712——Letter dated 16 March 1854, in which witness tenders his resignation, *ib.* 666——Reference to some of the letters between Dr. Smith and witness, as being of a private nature, *ib.* 669–673.

Explanation as to the continuance of witness as principal medical officer for some time after the arrival of Dr. Smith's letter of 15 April, *Burrell* 675–692——Reasons for the non-acceptance by witness of the appointment in India offered him by Dr. Smith, *ib.* 713–725——No inconvenience arose to the service from the manner of witness's withdrawal from it, *ib.* 728. 735, 736——Precedents were not wanting for the appointment of witness as inspector-general, *ib.* 729.

3. *Correspondence between the Director-general and Dr. Burrell:*

Letters between Dr. Andrew Smith and Dr. Burrell in 1854, relative to the appointment of the latter, and to his subsequent retirement on the appointment of Dr. Hall, *App. p.* 299–303.

See also *Davy, Dr.* *Hall, Sir John, M.D., K.C.B.*

Inspectors-General. The number of the inspectors should be somewhat increased, *Mapleton* 1275——Sufficiency, on the whole, of the present pay of inspectors-general, *ib.* 1276–1278.

Instructions. Absence of any special instructions by witness to the chief medical officers with the army in the field, *Smith* 4600–4608.

Ionian Islands. Sufficient number of staff surgeons and other medical officers in the Ionian Islands some years since, when witness was on the staff at Corfu, *Duke of Cambridge* 3662–3666.

Report, 1856—*continued.*

J.

Jackson, John. (Analysis of his Evidence.)—Dispenser at Millbank; was for fifteen years dispenser in the hospital of the Grenadier Guards, 4662-4664——Means by which witness learned to dispense, 4665——Duties devolving on witness when in the Guards' hospital; no accident ever occurred in carrying them out, 4667-4683——He has taught six others to dispense, none of whom ever made the least mistake, 4670. 4683.

Jamaica Station. Circumstance of witness having been told by Dr. Smith, in November 1855, that he was to be ordered to the Jamaica station, *Menzies* 972——At an interview in March last, Dr. Smith declined to send witness to Jamaica, *ib.* 990. 1025.

L.

Lawson, Dr. Censure of Dr. Lawson in general orders considered in connection with his subsequent appointment to the Second Division, *Smith* 214, 215. 217-222. 228-232. 239. 246-256——Dr. Lawson's appointment to the division in the field was an arrangement between Lord Raglan and Dr. Hall, and witness has no documents on the subject, *ib.* 276. 284, 285. 291——Witness reads general order, dated 13 December 1854, censuring Dr. Lawson with reference to the state of the sick on board the "Avon," and directing his removal from his charge at Balaklava, *ib.* 277——The appointment of Dr. Lawson to a charge in Scutari Hospital was made in the East without reference to witness; he has no official documents to produce relative to such appointment, *ib.* 278-283. 286-309.

Dr. Lawson is the head of a division only of the General Hospital, and has been head of the hospital for a few days only, when Dr. Forrest was away, *Smith* 286-290——It was not specifically known to Dr. Hall what position Dr. Lawson would fill when sent to Scutari, *ib.* 293-299——Concurrence of Lord Raglan necessary before Dr. Lawson was removed to Scutari, as recommended by Dr. Hall, *ib.* 305-307. 316-321——Circumstances under which witness originally appointed Dr. Lawson as staff surgeon of the first class to proceed to the East, *ib.* 310-315——Confidence of witness in Dr. Lawson's abilities, and generally in his conduct, *ib.* 322, 323.

Extract from the general orders of the army, dated Head Quarters before Sebastopol, 13 December 1854, directing steps to be taken for relieving Dr. Lawson from his charge, *App. p.* 322——Extract from the general orders, dated 14 December 1854, attaching Dr. Lawson to the Second Division as staff-surgeon of the 1st class, *ib.* 323——Extract from the general orders, dated 15 January 1855, directing Dr. Lawson to proceed to Scutari, *ib.*

Leave of Absence:

1. *Regulations hereon; their Severity.*
2. *Suggestions for removing the Hardship.*

1. *Regulations hereon; their Severity:*

Shortness, generally, of medical sick leave, *Smith* 469——Peculiar hardship upon the medical officers in their rarely being able to obtain leave of absence, on account of the limited number of officers in each regiment, *Mapleton* 1172-1174. 1318-1333; *Douglas* 1874, 1875; *Sir G. Buller* 1910-1913; *Mackenzie* 3125, 3126. 3159——Hardship on medical officers, when on leave of absence from detachment, in their being obliged to pay for a civil practitioner as a substitute, *Mapleton* 1320; *Mackenzie* 3177, 3178; *Agnis* 3564-3566; *Duke of Cambridge* 3696——Instances of men going on half-pay, or being put on it because they could not obtain proper sick leave, *Mapleton* 1326-1323.

The provision of a civil practitioner as substitute is generally an economical arrangement, *Douglas* 1870——The substitute does not find medicines, *ib.* 1880——Doubt as to hardships in regard to leave of absence, on account of the insufficiency of the department, *Hume* 2812-2816——Instance in the case of witness of the hardships of the system, *Mackenzie* 3155, 3156; *Agnis* 3555-3557——How far any difficulty at present in regard to leave of absence of medical officers, *Lord Cardigan* 4021-4023——Medical officers rarely ask for leave of absence, *Sir R. Airey* 4324——Circumstance of the paymaster as well as the medical officer being obliged to pay for a substitute, *ib.* 4325-4328.

Regulations in regard to leave of absence of Indian medical officers; advantage as compared with the Queen's service, *Martin* 1548, 1549. 1566-1571——Regulations in the navy in regard to leave of absence, more especially when a ship is put out of commission, *Sir J. Liddell* 4226-4238. 4256——Copy of the official regulations in regard to leave of absence, *App. p.* 291.

2. *Suggestions for removing the Hardship:*

Improvement of the staff were so increased that an extended leave could be given, *Smith* 503, 504; *Sir G. A. Wetherall* 3283. 3292-3308——Suggested amendments in the

Report, 1856—*continued.*

Leave of Absence—continued.

2. *Suggestions for removing the Hardship*—continued.

the system; whilst longer leave should be given, the officer should still be on full pay, *Mapleton* 1334-1339——The grievance might be remedied by the expense of the substitute being borne by the public, *Lord West* 2027-2031——Medical officers should have additional facilities in regard to leave of absence; suggestions hereon, *Duke of Cambridge* 3668, 3669. 3696, 3697.

Recommendations by the director-general in regard to leave of absence, with a view to removing the present hardship, *App. p.* 317, 318——Concurrence of the Committee in the foregoing, *Rep. p.* iii.

See also *East India Company's Service*, 1. *Study.*

Liddell, Sir John, M.D., C.B. (Analysis of his Evidence).—Director-general of the medical department of the navy, 4123, 4124——Mention of the four ranks in the department, 4125, 4126——Uncertainty in regard to the period between the different grades of promotion, 4127. 4155-4157——Recommendation by witness upon which the Board of Admiralty promote, the latter body however sometimes taking the initiative, seniority, as the rule, being sometimes departed from, 4128-4135. 4212-4225——System of record, partly by means of confidential reports, of the services and character of the medical men, 4136-4154. 4262-4270.

Pay of the surgeons and assistant-surgeons, the same, and the fact of their being victualled free of expense compared with the pay of the army medical officers, 4158. 4173-4177. 4185-4188. 4274-4276——Conditions in regard to compulsory retirement, 4159, 4160. 4181——The age for entry is from twenty-two to twenty-six, 4161——System of examination, certificates being also required, 4162-4168——Difficulty for some time recently in finding an adequate supply of candidates, 4169-4172. 4188——Amount of pay on compulsory retirement, 4182.

Allotment of medical men in proportion to the size of the ship, 4183, 4184. 4189-4194——Practice in regard to the supply of medicines from the local stores on the requisition of the medical officer, 4195-4208——Similar arrangement throughout the fleet, and in all the naval hospitals, as well as at Haslar, in regard to the articles found for patients, 4209, 4210——Practice to permit exchanges from ship to ship on proper reason being shown, 4219-4222——Regulations in regard to leave of absence, more especially when a ship is put out of commission, 4226-4238. 4256.

Probationary period of twelve months passed on board ship or in a naval hospital, 4239-4248——Daily report by the medical officers to the captain of the ship, 4249, 4250——Absence of stoppages from the pay of sick men entering the naval hospitals from ships, 4251-4253——Advantage to medical officers in their periods of foreign service in different places, 4257-4259——There is no roster for service, 4260, 4261——Advantage if there were good service pensions, 4271, 4272——The basis for widows' pensions is not equal to that in the army medical department, 4273.

Pay and number of inspectors of naval hospitals, 4274-4277——Regulations in regard to the entrance of common sailors and of officers to Haslar, 4278-4288——Available accommodation in the naval hospitals at Haslar and Deal, 4289-4296——As regards the inspection of naval recruits the surgeon's decision is liable to be overruled by the captain, 4297-4304——The assistant-surgeon makes up the ship's medicines, 4305——The office of dispenser is held by a civilian, 4305-4307——Arrangement for employing sailors as hospital orderlies on board ship, 4308-4311.

Life Guards. Particulars as to the duties performed by witness as hospital serjeant-major in the Second Life Guards, *Tomlinson* 3758 *et seq.*——He makes up the prescriptions, which are in Latin, from the handwriting of the surgeon and assistant-surgeon, *ib.* 3759, 3760. 3773, 3774. 3783-3786——He has never made any mistakes in dispensing, nor has he ever heard of others having done so, *ib.* 3761. 3798-3801——Capacity of witness for the office, he having been well educated and having been formerly apprentised to a chemist and druggist, *ib.* 3766. 3769. 3780-3783. 3804, 3805.

Addition of 6*d.* a day to witness's regimental pay as hospital serjeant, *Tomlinson* 3775-3777. 3787, 3788——Witness has no additional advantage as regards pension, *ib.* 3778. 3788——Access of witness to all medicines save poisons, *ib.* 3779——Staff of one orderly and a nurse (witness's wife), there being at present eighteen soldiers in hospital, *ib.* 3789-3795.

Lindsay, William. (Analysis of his Evidence.)—Is senior medical officer of Haslar Naval Hospital, 2469——Particulars as to the articles found for patients in the hospital, 2470-2491——System of orderlies and female nurses, 2492-2501. 2541-2544——Facilities of witness for obtaining hospital supplies and medical comforts, 2502-2504. 2517, 2518——Power to order immediate repair of window panes, &c., 2505——Stoppage of 8*d.* a day from the sailors' pay, if more than three months in hospital, 2506-2509——Nature of the accommodation in the hospital for naval officers, 2510-2516——Very liberal scale of diet, medical comforts, &c., 2517, 2518. 2545.

Report, 1856—*continued.*

Lindsay, William. (Analysis of his Evidence)—*continued.*

Medical staff of the hospital, 2519——There are at present 700 patients, 2520——System of dispensing by means of persons brought up in apothecaries' shops; they do not rank as officers, 2521–2531. 2546——Treatment of lunatic sailors in a portion of the hospital; the arrangements are extremely satisfactory, 2532–2540——Scale delivered in of diet for patients in the Royal Naval Hospitals and Marine Infirmaries, 2545——Excellent anatomical museum at Haslar, 2547–2550——Contributions to medical science in the naval medical reports, 2551, 2552.

Lodging Money. Propriety of lodging-money being allowed to sick and destitute officers if on their return from foreign service there be no hospital provision for them, *Duke of Cambridge* 3742——Recommendation hereon by the Director-general, *App. p.* 317.

Lunatic Soldiers. Very inadequate character of the casemates or building at Chatham for lunatic soldiers; proper humane treatment cannot be carried out in it, *Dartnell* 2272–2281. 2285–2288. 2306, 2307. 2317–2319——Evidence in favour of the humane system of treatment, *ib.* 2278. 2294–2304——Some are sent to their friends, some to the asylum of the county to which they belong, and some to the Grove-hill asylum at Bow, pensions being awarded, *ib.* 2283, 2284. 2289, 2290. 2312–2314. 2339. 2459–2463——Insane officers are sent to a private asylum near Stafford, *ib.* 2342–2344.

At the casemates the soldiers are merely under observation, *Dartnell* 2312. 2317——Many cases are curable, more especially if properly treated from the first, *ib.* 2315–2318——A new and improved building is being formed at Chatham, *ib.* 2319–2322——There are about forty patients in the casemates, *ib.* 2323.

Advantage of a regular military asylum for lunatic soldiers, *Dartnell* 2308–2311. 2324. 2327, 2328; *Lord De Ros* 2687, 2688; *Bostock* 3036–3039; *Duke of Cambridge* 3708; *Sir R. Airey* 4462–4467. 4537——Objection to the disposal of lunatic soldiers by sending them to their parishes, *Lord De Ros* 2687, 2688——Reference to present accommodation for lunatic officers and soldiers, *Hume* 2782–2801——Simple treatment desirable, *ib.* 2792, 2793——Difficulty as regards the number of patients, in the way of a new lunatic asylum for the army, *ib.* 2795.

Treatment of lunatic sailors in a portion of Haslar Hospital; the arrangements are extremely satisfactory, *Lindsay* 2532–2540.

Recommendation that a military luntic asylum be provided, as embraced in the design for the new military hospital at Southampton, *Rep. p.* iv.

See also *Coton Hall Lunatic Asylum.* *Yarmouth Lunatic Asylum.*

Lyons, Dr. Able character of a report by Dr. Lyons, one of the civil medical officers in the East, *Sir B. Hawes,* 3488.

M.

Mackenzie, William Ord, M.D. (Analysis of his Evidence.)—Is surgeon in the 3d Light Dragoons, 3045——Entered the service in 1839; various services since that period, 3046–3048——Professional education of witness; its cost, 3049, 3050——Vacancy of the military chair at Edinburgh adverted to; intention to found a military chair in London, 3051–3058——Advantage of a military chair at Chatham, in connexion with the Museum there, 3059, 3060——Desirableness of a probationary period of about three months with pay at about 5 *s.* a day, 3061–3065.

Advantage of assistant-surgeons being in the first instance appointed to the staff, 3066, 3067——Importance of regimental experience in staff surgeons, 3068, 3069——Outline of witness's daily duties, 3070. 3164——There are at present 30 patients in hospital, the strength of the regiment being 547; 3071, 3072——Present distribution of the regiment, 3072——Medical arrangements at head quarters and at the several detachments, 3073–3100.

Reasons in support of two assistant-surgeons in cavalry regiments, even during peace, 3092–3100. 3106–3113——Attendance of witness on the soldiers' families, 3101——Deduction from witness's pay for forage; the forage should be allowed, 3102, 3103. 3220——Semi-official character of the written instructions given by witness to the assistant-surgeons, 3104, 3105——Witness prefers a soldier for an orderly rather than a member of the medical staff corps, 3114–3118. 3129, 3130——Rule to have one orderly for every ten men, or for any number under ten, 3119–3122——Large expenses as well as inadequate pay of cavalry medical officers, 3123, 3124. 3127, 3128——Hardship to the medical officers as regards leave of absence, instance in the case of witness, 3125, 3126. 3155, 3156. 3159.

Sufficient military power possessed by medical officers, 3131–3133. 3143–3145——Advantage if their relative rank were higher, 3131. 3215–3217——As a rule it would be better if medical officers merely gave evidence before courts of inquiry, but in the event of a court martial on one of their body for improper treatment, then a medical man should be

Report, 1856—*continued.*

Mackenzie, William Ord, M.D. (Analysis of his Evidence)—*continued.*

be a member of the court, 3134-3142——Rank, as a field officer, of a staff surgeon of the first class, 3145, 3146——Objection to the present distinction between the dress of the medical officer and the military officer, 3148-3154. 3157, 3158.

Insufficiency of the medical staff, even before the war, 3160——Suggested opportunity of exchange in the case of officers ordered to foreign stations, 3161-3163——Evidence in favour of hospital serjeants as dispensers rather than of civilians, who should be commissioned officers, 3164-3183——Hardship in medical officers being at times obliged to pay for civil practitioners as substitutes, 3177, 3178.

Circumstance of witness having recently examined forty-two men for the medical staff corps, out of whom he passed only seventeen; omission in his not having received instructions as to the qualifications required, 3184-3190. 3192-3197——Opportunity abroad, but not at home, for medical officers to obtain private practice, 3198——Equal chances of an army surgeon as of a civilian to get into private practice, if the former have left the service, 3199-3201.

Recommended establishment of a Board of the three senior medical officers in lieu of the system of a director-general, 3202-3207. 3210-3213——Practice of confidential reports adverted to, 3208, 3209——Increase of pay suggested for the surgeons and assistant-surgeons, 3214-3220. 3231-3233——Doubt as to the expediency of shirts, &c., being found for the soldier in hospital, save in cases of emergency, 3221-3224——More liberal treatment of sick soldiers of late years in minor matters, 3225, 3226——Sufficient facilities in regimental hospitals for the provision of the required medical comforts, &c., 3227——Doubt as to the necessity of crockery in lieu of tins for the soldiers to drink out of, 3228, 3229.

Retirement should be optional after twenty years' service, 3233——It should be compulsory at sixty years of age, 3234——A diploma from any of the recognised colleges of surgeons, and, if necessary, a degree of M. D., should obviate examination by a medical board, 3235-3248——If there be an examination it should be competitive, 3238-3240——Frequent instances of promotion by selection; witness is not cognisant of the reasons for such course, 3249-3252.

Malta. Want of drugs at Malta in 1851; some were borrowed locally till supplies arrived, *Burrell* 874, 875——Delay before some requisitions by witness at Malta were complied with, *ib.* 876-884.

Mapleton, Henry, M.D. (Analysis of his Evidence.)—Is surgeon of the 15th Hussars, 1026——Varied services of witness over a period of seventeen years, more especially in India and Turkey, 1027-1040——Degrees or diplomas obtained by witness before coming forward for the service, 1041——Sufficiency of a diploma from the College of Surgeons at Edinburgh, Glasgow, Dublin, or London, for an army surgeon, 1042-1045. 1050-1053——Expenses of the several medical schools adverted to, 1047-1049.

Decided inadequacy of the remuneration in the medical department as an inducement to more accomplished students to enter the service, 1054. 1056, 1057. 1122——Great importance of a more rigid examination on entrance, 1055, 1056——Expediency of professional grades in the army, so as to comprise men capable of the medical as well as of the surgical part of the profession, 1058. 1102-1112——At present no medical diploma is required, 1059, 1060.

System of examination at the Medical Board; there is no verbal examination unless the written examination prove unsatisfactory, 1061-1065. 1070-1076——Suggested mode of examination if the Medical Board be no longer employed in the matter, 1067-1069. 1126-1132——Particulars relative to the questions comprising the written examination, and as to the manner in which applied; witness, when at the Medical Board, drew up some of them, 1077-1088. 1090-1097. 1115, 1116.

Simple recommendation necessary in the case of candidates, 1089——Necessary knowledge of Latin, to a very slight extent, but not of Greek or mathematics, 1098-1101——Suggested requirement of a diploma from one of the colleges of physicians, 1102. 1120-1122. 1126——Approval of the present age of candidates, 1103——Importance of combining a competitive examination with a system of grades, 1104, 1105. 1112, 1113——Opportunity for fraud in the case of certificates of attendance at lectures, 1108-1111.

A considerable number of army surgeons are doctors of medicine, 1117, 1118——Advantage of an elementary examination in regard to drugs and chemical tests, 1123, 1124——Practice at Chatham as regards acting assistant-surgeons, the young men being all sent thither before they are gazetted, 1133-1143. 1148-1153——Expediency of the examination being a sufficient test, and of those who pass it being at once gazetted to the staff, 1144-1147. 1154-1233.

Difference, as regards independent action, between a staff assistant-surgeon and a regimental assistant-surgeon, 1154, 1155. 1166-1171——Enumeration of the duties of a

Mapleton, Henry, M. D. (Analysis of his evidence)—*continued.*

regimental surgeon of infantry, 1155–1160. 1162–1165——Duties of a regimental surgeon of cavalry, 1158–1166——Control of the surgeon over the assistant-surgeon; the treatment of the latter is generally not interfered with, 1166–1171——Peculiar hardship upon the medical officers in their rarely being able to obtain leave of absence, on account of the limited number of officers in each regiment, 1172–1174. 1318–1333.

Decided inadequacy of the present number of medical officers in each regiment, especially in the cavalry regiments; suggestions hereon, 1175–1177. 1182–1188. 1334——Number of assistant-surgeons to regiments in the Crimea, 1178–1180——Instead of increasing the staff-surgeons, they should be done away with altogether, 1181, 1182.

With reference to the several ranks, six in number, in the medical department, witness would abolish those of acting assistant-surgeon and staff-surgeon of the first class, 1187–1209. 1254——There should be only two administrative officers, the inspector and the deputy-inspectors, 1189–1195. 1254——The executive officers should be the staff-surgeons or surgeons of the forces, and assistant staff or assistant regimental surgeons, 1189. 1254——Undue control at present vested in staff-surgeons of the first class, 1191–1209. 1214.

System of promotion of staff-surgeons adverted to, as showing that selection being resorted to, they are not necessarily senior to regimental surgeons, 1199–1202. 1211–1213. 1246, 1247——Every administrative officer should have served twenty years, 1210——Rule to promote assistant-surgeons according to seniority on the station in which the vacancy takes place, 1215–1217——How the stations abroad are defined, 1218–1228——Statement in favour of promotion by seniority throughout the whole service, unless the senior officer has been unfavourably judged by a court of inquiry, 1227.

Decided objection to unfavourable statements in confidential reports being acted upon without reference to a court of inquiry, or opportunity for explanation, 1227–1229. 1236–1243. 1251–1253——Instances of men promoted out of rule over men as able as themselves, owing to the representations made in confidential reports, 1242, 1243. 1251.

Reason for regimental surgeons sometimes refusing promotion, 1244, 1245——Similar pay and rank of a staff surgeon of the second class and a regimental surgeon, 1248–1250——Advantage in increasing the number of deputy-inspectors, as provided for in witness's plan, 1254. 1275——Objection in the service to the rank of staff-surgeon of the second class, 1255——Extent of duty devolving on the second-class staff-surgeons, 1256, 1257.

Suggestions relative to the increased pay of the several ranks of medical officers; the adoption of these and of other suggested improvements would involve an additional expense of about 40,000 *l.* a year, 1258–1281——The number of the inspectors should be somewhat increased, 1275——Infantry surgeons are not often transferred to the cavalry, 1282, 1283.

Retirement should be allowed after twenty years' service, 1284. 1304——Comparatively large mortality of the army medical officers, 1287. 1318——Importance of steps being taken for compelling the retirement of men whose age or nerves incapacitate them for their duties, 1288–1291. 1294–1296——Circumstance of executive officers sometimes remaining in the service until they are seventy years old, in order to retire on the pay of the rank in which they are serving, 1296–1299——Possibility of cavalry surgeons never seeing foreign service, 1303.

Retirement should be compulsory at sixty years of age, 1305——Pay and rank of the veterinary surgeon, 1306–1308. 1317——Stoppage for forage from the pay of regimental surgeons, but not from the pay of other officers, 1309——Slight extent to which the surgeons attend to soldiers' wives on confinement, 1310–1313——Sundry points in which the military officers are exceedingly better off than the medical officers, 1314, 1315. 1332, 1333——Propriety of the half-pay being fixed with reference to the years of service, and not with reference to the full pay, 1316, 1317——Present system of half-pay of cavalry surgeons, 1317.

Personal expense to which surgeons are sometimes put in arranging for leave of absence, 1320——Instances of men going on half-pay, or being placed on it, because they could not obtain proper sick leave, 1326–1333——Suggested amendments in the system of leave of absence; whilst longer leave should be given the officer should still be on full pay, 1334–1339——Evidence in opposition to any increase of military authority in medical officers, 1340–1361——Exceptional circumstances under which a medical officer may sit on a court martial, 1340. 1347–1349——Instead of medical officers sitting on boards for inquiring into the quality of bread and meat, they should merely give evidence before such boards, 1341–1345. 1349–1352.

Examination of recruits adverted to as differently carried out by different examiners, the examination being generally looked upon as conclusive, 1362–1370——Facility in procuring supplies from purveyors in the case of regimental hospitals, 1371, 1372. 1400——Articles which the soldier in a regimental hospital is obliged to find, 1373, 1374——Advantage if in all hospitals everything were found for the soldier, 1375, 1376——

Stoppage

Report, 1856—*continued.*

Mapleton, Henry, M. D. (Analysis of his Evidence)—continued.

Stoppage of 10*d.* a day from pay when in hospital, 1377——There is now no stoppage when on service, 1378.

Reference to the constitution of the Medical Board for inquiring into the cases of sick and wounded officers arriving from the Crimea, 1379–1381——Allowance, termed "blood-money," to wounded officers with a view to medical attendance on arrival home, 1382, 1383——System of pension for wounds adverted to, 1383–1386——Doubt as to the necessity of any further steps for providing for wounded or sick officers on arrival in this country, 1387, 1388.

Slight improvement required in order to render the present system of hospital orderlies all that is desirable for regimental hospitals, 1389–1393——Impropriety in sick officers ever being obliged to pay for their medicines, 1394, 1395——Witness has never experienced any difficulties in regard to supplies of drugs, leeches, trusses, &c., and sometimes procures them locally, being reimbursed from head-quarters without difficulty, 1396–1400——Form of certificate in regard to officers on sick leave selling out, 1401–1405.

Grounds for objecting to the proposed dispensers, with the rank of ensigns and the pay of assistant-surgeons, 1406–1430——Strong approval of the surgeon being allowed to select a corporal or private as dispenser, who should be recognised as doing the duty, and have some additional inducement for undertaking it, 1407–1416. 1420–1422——Inexpediency of the present certificate by the medical officer that he makes up all the medicines, it being impossible for him to do so, 1412. 1417–1419——Medical men have power to resign at any moment, subject to the approval of the Commander of the Forces on the spot, 1421–1431.

Marine Hospital (Chatham). Admirable condition some years ago of the marine hospital at Chatham, *Lord De Ros* 2613, 2614.

Martin, James Ranald, F. R. S. (Analysis of his Evidence.)—Was staff-surgeon in the Bengal army when he retired; had seen twenty-two years' medical service in various capacities, 1456–1459——Adequacy, intrinsically, of the pay and pensions in the medical department of the East India Company, 1460, 1461. 1536 *et seq.*——Inadequacy of the number of grades and of the honorary distinctions, 1461. 1536. 1542–1545——The grades are assistant-surgeon, regimental surgeon, and superintending surgeon; corresponding grades in the Queen's service, 1462–1467.

Constitution of the Medical Board in India by seniority; it comprises the three oldest members in the service, 1463, 1464. 1468——Objection to the principle of seniority in the administrative department, 1463. 1512, 1513. 1574——Recent departure by Lord Dalhousie from the rule of seniority, 1464——Particulars relative to warrant officers attached to the hospitals in India, one class to superintend the Commissariat department, the other class to compound the medicines; the system works exceedingly well, 1469–1485.

Deviation advisable from the present rule of promotion of assistant-surgeons by seniority, 1486–1488——Employment of assistant-surgeons in the absence of the surgeons, 1489. 1570——Inadequate number of medical officers attached to the Indian regiments, 1490–1495——Plan of supernumerary officers proposed by Lord Dalhousie in order to meet contingencies, 1490. 1496, 1497——In European regiments there are generally one surgeon and two assistant-surgeons, 1498, 1499.

Evidence, in complaint, that the rank of surgeons and assistant-surgeons in the Indian army is not substantive, and is extremely uncertain, 1500–1504. 1514–1531——Limited extent to which the substantive rank of the medical officer should partake of the military character, 1504–1506. 1514–1523——Disadvantage to the discipline and medical efficiency of the Bengal army in the native regiments being so much scattered in detachments, 1507, 1508——Juxtaposition into which the medical officers of the Company's service and the Queen's service are brought, 1509, 1510.

Decided improvement if in lieu of a Medical Board in India there were one administrative responsible head, 1511——Administrative duties of the superintending-surgeon, 1532——He does not interfere with the treatment pursued by the regimental surgeons, 1533–1535——Sundry advantages of the Indian medical service over the Queen's service, in regard to pay, special allowance, civil employment, private practice, leave of absence, and retirement, 1536–1614.

Conditions and terms of retirement; there is full pay after seventeen years' service, and leave of absence counts, 1541. 1546–1551. 1566–1568. 1587–1607. 1613, 1614——Boon if any act certified as meritorious were to count for a year's service, 1565——Promotion is often very slow, 1572, 1573——Increased pay commences immediately on promotion being gazetted, 1575–1577——System lately of competition for appointments; anticipated good effects thereof, 1579–1584.

Report, 1856—*continued.*

Martin, James Ranald, F. R. S. (Analysis of his Evidence)—*continued.*

Importance of administrative officers having been engaged in regimental duty; they should see about twenty-five years' service before appointment, 1615. 1618——Reluctance of the East India Company's surgeons to join the Queen's regiments for any length of time, 1616, 1617——Practice in India in regard to confidential reports, 1618-1628——Great advantage of a proper system of confidential reports properly acted upon, 1629——Proposition, as submitted by witness to the Indian Government, relative to sanitary reports, 1630–1632.

Maunder, Charles Frederick. (Analysis of his Evidence.)—Circumstances attending witness's appointment as assistant-surgeon to the Renkioi Hospital; he received a sort of commission from the War Office, but had no document or agreement to sign, 3853–3883——Explanation as to witness having left Renkioi for the Crimea, so that he had but little experience in the former place, the establishment on his return being gradually broken up, 3885-3893. 3898–3901. 3906–3912.

The remuneration of witness was 25*s.* a day and his rations, 3895–3897——At one time there were between 600 and 700 patients at Renkioi; there was room for about 1,200; 3899. 3902——The convalescents were sent to Abydos, 3903——Particulars relative to the staff of the hospital and their remuneration, 3904, 3905. 3920–3940——Charge devolving on witness when in the Crimea, 3907–3911——There was no difficulty about the civilian orderlies at Renkioi, 3913–3915.

Excellent behaviour of the sick soldiers both at Renkioi and in the Crimea, 3916–3919——The civil and military surgeons worked well together in the Crimea, 3941, 3942——Unwillingness of witness to enter the army as assistant-surgeon, 3951, 3952——The French hospitals at Pera were very dirty in June 1855; 3953–3957——Competency generally of the army surgeons to perform operations, notwithstanding their age, 3959–3961.

Medical Board. See *Governing Body.*

Medical Staff Corps:

1. *Generally as to the new Corps.*
2. *Practice in regard to Enlistment and Qualifications.*
3. *Superintendance at the Depôt.*
4. *Probation and Discipline.*
5. *Proposition by the Duke of Cambridge.*
6. *Merits of the new Corps considered.*

1. *Generally as to the new Corps:*

Particulars relative to the operation of the new medical staff corps at Chatham, *Dartnell* 2158–2183——Better pay of the corps than of orderlies taken from the line, *ib.* 2175. 2181. 2188——Objectionable undress of the corps, *ib.* 2184–2187.

Amount of pay and regulations as to pensions, *Bunbury* 2863. 2930, 2931——Opportunity for discharged misconducted men to enlist in any other corps, *ib.* 2874. 2875. 2896. 2948——Few Crimean soldiers who volunteered for the corps, *ib.* 2889–2891——Witness has had in his charge at one time 993 men of the corps enlisted in one month, *ib.* 2899. 2907——At present there are 103 men at the depôt, *ib.* 2900——During seven months witness embarked upwards of 800 for the East, *ib.* 2911——The age of the men is from twenty to thirty, *ib.* 2912——Approval of the uniform, which is a blue tunic with red facings, *ib.* 2934–2936.

Origination of the corps by witness, *Smith* 4649–4651.

Proportion of attendants of different classes provided by the medical staff corps for a hospital of 500 men, *Sir B. Hawes* 3483, 3484.

Return showing the number of men of each rank serving in the medical staff corps, *App. p.* 322.

2. *Practice in regard to Enlistment and Qualifications:*

The men are enlisted specially for hospital service, *Dartnell* 2167, 2168——The members of the corps are recruited in the same way and receive the same bounty as ordinary soldiers, *Bunbury* 2841–2852. 2937, 2938——Decision by the medical officer as to eligibility of the recruit, *ib.* 2853, 2854. 2919, 2920. 2924–2929——Particulars as to a great number of the corps who were first enlisted having been dismissed as ineligible after they had received enlistment money, *ib.* 2856–2864. 2908.

Qualifications required on enlistment, *Bunbury* 2858. 2861. 2867. 2896–2898. 2912. 2915–2918. 2932, 2933——Few were discharged as ineligible or misconducted after the payment of the bounty, *ib.* 2868, 2869. 2878–2883. 2893–2895——Pensioners are not enlisted, *ib.* 2906. 2915——Objections to men being introduced into the corps from the line, *ib.* 2940–2945.

Circumstance

Report, 1856—*continued.*

Medical Staff Corps—continued.

2. *Practice in regard to Enlistment and Qualifications*—continued.

Circumstance of witness having recently examined forty-two men for the medical staff corps, out of whom he only passed seventeen; omission in his not having received instructions as to the qualifications required, *Mackenzie* 3184-3190. 3192-3197.

3. *Superintendence at the Depôt:*

Witness is staff captain in charge of the depôt of the corps at Chatham, *Bunbury* 2830——Indefinite instructions under which this charge was given to witness, *ib.* 2831-2837. 2922-2924——Duties of witness as staff captain, *ib.* 2840. 2853 *et seq.*——Disadvantage of there being no non-commissioned officers in the corps to assist witness, *ib.* 2901-2905. 2907. 2909.

There are 147 non-commissioned officers in the medical staff corps; error of Captain Bunbury hereon, *Smith* 4648.

4. *Probation and Discipline:*

Probationary period and examination undergone before the men are drafted to other hospitals, *Dartnell* 2158-2170. 2176-2178——Sundry particulars as to the probation and discipline, *Bunbury* 2853 *et seq.*——Instruction for about a fortnight only in hospital duties before many of the men were sent to the East, *ib.* 2853. 2865, 2866. 2910, 2911. 2949-2951——Similar means of punishments as in the line; practice of witness hereon, *ib.* 2870-2888. 2893, 2894. 2947——Mode in which those in the depôt are at present disposed; the great majority have no practical occupation, the hospitals not requiring their assistance, *ib.* 2946, 2947. 2952-2957——Present occupation of some of the corps at Chatham adverted to, *Mackenzie* 3196, 3197.

5. *Proposition by the Duke of Cambridge:*

Anticipated efficient medical staff corps if soldiers be trained for the purpose, as proposed by witness, *Duke of Cambridge* 3658-3660. 3709. 3717. 3746, 3747. 3752——Mode of insuring discipline in the proposed corps, *ib.* 3746, 3747. 3752——Two rates of pay suggested for the corps, *ib.* 3752——Expediency in the time of war of the plan suggested by the Duke of Cambridge for qualifying the non-commissioned officers and privates for hospital sergeants and orderlies, *Lord Cardigan* 4059, 4060.

6. *Merits of the New Corps considered:*

Advantage of the medical staff corps in providing permanent orderlies, *Sir G. A. Wetherall* 3313-3315——Inadequacy of the corps, *Duke of Cambridge* 3661. 3745——Decided objection to a hospital staff corps which should not be completely subject to the authority of the commanding officer, *Lord Cardigan* 3988, 3989——Objection to the proposed corps for regimental hospitals, though if confined to general hospitals it may answer very well, *ib.* 4098-4103——The corps should be still continued, witness's plan of hospital orderlies forming a component part of it, *Sir R. Airey* 4340.

Resolution that the medical staff corps, which was raised for service during the late war, should continue a part of the peace establishment, *Rep. p.* iv——It is desirable that the corps should be recruited from the ranks of the army, provided volunteers offer in sufficient numbers possessing the requirements deemed essential to qualify for the particular service in which the corps is to be employed, *ib.*

See also *Orderlies* (*Hospitals*).

Medicines and Medical Comforts. Want of medical stores for the army in the East after the arrival in Turkey, *Burrell* 846-848——Circumstance of the medical officers when in Bulgaria having been in much apprehension lest the head of the department abroad should hear that they had complained of the deficient supply of medicines, &c.; witness therefore refrained from making any official representation, *Lord Cardigan* 3994-3997. 4003-4013——Practice in the navy in regard to the supply of medicines from the local stores on the requisition of the medical officer, *Sir J. Liddell* 4195-4208——Date of the arrivals of medical stores and comforts in the East, *Smith* 4614-4617.

Correspondence relating to the transport and purchase of medical comforts for the army in the East, *App. p.* 285.

See also *Bulgaria. Crimea. Expenditure* (*Heads of Hospitals, &c.*) *Transport of Medical Stores.*

Memorials. Reference to the answer by witness to a memorial from the surgeons of the army in the East, *Smith* 331-336——Reason why witness did not lay before Lord Panmure a memorial from the assistant surgeons, *ib.* 337, 338. 341——Reply by Lord Panmure to a second memorial from the assistant surgeons, which did not pass through witness's department, *ib.* 339-341.

Report, 1856—*continued.*

Memorials—continued.

Correspondence on the part of the War Department, and of the Medical Department, relating to a memorial from the medical officers in the army serving in the East, *App. p.* 285, 286.

Memorial from the assistant surgeons in the Crimea, praying for increased remuneration, rank, &c., *App. p.* 295-298——Letter from the director-general to Dr. Hall, dated 17 August 1855, relative to the assistant surgeons' memorial, *ib.* 298.

Letter, dated 26 April 1856, from the director-general to the Under Secretary for War, recommending the claims of the army medical officers, *App. p.* 304.

Memorial from the army medical officers serving with the British army in the East, dated 11 April 1856, *App. p.* 304-309.

Memorial from the medical officers at Scutari, dated 16 April 1856, *App. p.* 310, 311.

Memorial of surgeons serving with the army in the East, dated 10 August 1855, *App. p.* 311-314.

Menzies, Duncan, M. D. (Analysis of his Evidence.)—Explains, with reference to his evidence before the Select Committee on the Army before Sebastopol, that he did not then fully state his case as to his charge at Scutari, 909, 910——In June 1855 was sent to Shorncliffe to form and organise hospitals for the German legion, 911-913. 958——As not understanding the German language, strongly objected to the appointment, but had no alternative but to obey Dr. Smith's orders, 913-916.

Reports from witness to Dr. Smith, dated 15 June and 19 June, relative to his proceedings at Shorncliffe, and the progress of the hospital arrangements, 917-919——Inconvenience at first in troops having been sent there without any previous preparation, 919-922——Delay before proper hospital furniture was provided, 921. 972. 975-978——Witness made every endeavour to bring matters into a proper state, and duly notified to Dr. Smith the difficulties which he had to encounter; detailed statement thereon, 923 *et seq.*

Arrival of Dr. Dumbreck at Shorncliffe in August; his inquiries were directed more especially into the outbreak of cholera, 925. 929, 930——So great were the difficulties at Shorncliffe, that witness considered it his duty to apply to Dr. Smith to be relieved of his charge, 939. 972. 1024——Circumstance of witness having been told by Dr. Smith in November that he was to be ordered to the Jamaica station, 972——Statement as to his having been relieved in March last of his charge at Shorncliffe, *ib.*——Subsequent interview in March with Dr. Smith, who found fault with witness's conduct at Shorncliffe, *ib.*——Letter from Dr. Smith to witness, dated 19 March, in which his conduct was arraigned upon the statements in a report by Dr. Dumbreck, *ib.*

Explanation, in exoneration of witness, from the charges in Dr. Smith's letter of 19 March, 973-979. 1006——Circumstance of Dr. Smith having, at the interview in March, declined to send witness to Jamaica, 990. 1025——Complaint that Dr. Smith has recently threatened witness with half-pay, though he is high up on the list, 991, 992. 995, 996. 999-1002. 1025——Witness had an interview with Lord Panmure before his appointment to Shorncliffe, 993, 994.

Service of witness for twenty-eight years on full-pay; for his efficient conduct during such time, he proffers to the Committee the highest testimonials, 996-998. 1025——Representation by witness to Dr. Smith of the want of huts, hospital furniture, &c. at Shorncliffe, he (witness) not having authority to make purchases locally, even if the things required could have been so provided, 1005. 1012-1015——Inability of Dr. Freunde, though a German, to get the hospitals into good order, 1007——Advantage if the principal officers at hospitals had more power to provide articles locally, 1016——The want of a barrack-master at Shorncliffe was a main cause of the inconvenience in regard to hospital furniture, 1018, 1019.

Military Authority. Objections to vesting the medical officers with military authority, *Mapleton* 1340-1361; *Lord West* 2021, 2022; *Sir G. A. Wetherall* 3285; *Duke of Cambridge* 3649, 3650; *Sir R. Airey* 4316-4319. 4431; *Rep. p.* iii——Sufficient military powers already possessed by medical officers, *Mackenzie* 3131-3133——Considerable inconvenience likely to arise from the present power of the medical department, unless the commanding officer exerts his authority in the most positive way; instance of this, *Lord Cardigan* 3966-3974. 3985-3987.

See also *Courts Martial.* *Rank and Relative Position.*

Military Branch of the Service. Recommendation by the director-general that the medical department be regarded as a military, not a civil branch of the service, *App. p.* 318.

Military Chair. Vacancy of the military chair at Edinburgh adverted to; intention to found a military chair in London, *Mackenzie* 3051-3058——Advantage of a military chair at Chatham, in connection with the museum there, *ib.* 3059, 3060.

Report, 1856—*continued.*

Military Officers. Advantage of the officers of the line over the medical officers, not only as regards full pay, but as regards the period entitling to half-pay, *Smith* 505-510——Sundry points in which the military officers are exceedingly better off than the medical officers, *Mapleton* 1314, 1315. 1332, 1333.

See also *Confidential Reports*, 6.

Military Secretary. Advantages if a military secretary were appointed under the director-general, *Lord De Ros* 2625. 2633. 2637; *Sir R. Airey* 4472-4475——The appointment of a military secretary is not necessary, *Sir G. A. Wetherall* 3312.

Misconduct. Possibility of misconducted regimental officers being transferred direct to the staff by the director-general, *Burrell* 892-894——Steps advisable generally in following up the misconduct of a medical officer in any place, *Duke of Cambridge* 3729, 3730.

Mortality. Comparatively large mortality of the army medical officers, *Mapleton* 1287. 1318——Heavy mortality at times in the service in India, *Martin* 1586——The mortality among medical officers in India is one per cent. greater than among the military officers, *Grant* 1746——Reference to a report by Mr. Neison, the actuary, showing a peculiarly heavy mortality among army medical officers, *Dartnell* 2467, 2468.

N.

Navy. Mention of the four ranks in the medical department of the navy, *Sir J. Liddell* 4125, 4126——Uncertainty in regard to the period between the different grades of promotion, *ib.* 4127. 4155-4157——Pay of the surgeons and assistant-surgeons the same; and the fact of their being victualled free of expense compared with the pay of the army medical officers, *ib.* 4158. 4173-4177. 4185-4188. 4274-4276——System of examination certificates being also required, *ib.* 4162-4168.

Difficulty for some time recently in finding an adequate supply of candidates, *Sir J. Liddell* 4169-4172. 4188——Allotment of medical men in proportion to the size of the ship, *ib.* 4183. 4184. 4189-4194——Daily report by the medical officers to the captain of the ship, *ib.* 4249, 4250——Pay and number of inspectors of naval hospitals, *ib.* 4274-4277.

See also *Confidential Reports*, 7. *Dispensers*, 8. *Haslar Naval Hospital. Promotion*, 5. *Retirement and Retiring Allowances.*

Number of Medical Officers. Decided inadequacy of the present number of medical officers in each regiment, especially in the cavalry regiments, *Mapleton* 1175-1177——Every regiment of cavalry, as of infantry, should have in time of peace one surgeon and two assistant-surgeons, *ib.* 1182-1186. 1334——Desirableness, in time of peace, of two assistant-surgeons in every regiment, *Sir G. Buller* 1908-1913; *Bostock* 3009-3015——Importance of each regiment having two assistant-surgeons in time of peace, and three assistant-surgeons in time of war, *Dartnell* 2417-2424. 2435-2440; *Duke of Cambridge* 3667. 3701.

Staff of two assistant-surgeons with the regiments in the Peninsula, Walcheren, and Egypt, *Hume* 2737-2743——There should be two assistant-surgeons for each regiment during peace as well as during war, *ib.* 2739-2741. 2812——Insufficiency of the medical staff even before the late war, *Mackenzie* 3160——Expediency of an abundant supply of medical officers in the event of war; these could readily be procured, *Lord Cardigan* 4110-4113——There should be a surgeon and two assistant-surgeons with the service companies, and an assistant-surgeon with the reserve, *Sir R. Airey* 4449.

See also *Administrative Officers. Cavalry. Civil Hospitals and Civil Practitioners. Crimea. Deputy Inspectors-general. East India Company's Service*, 3. *Inspectors-general. Leave of Absence.*

Nurses. Advantages of a trained body of nurses attached to general hospitals; special reference hereon to the West Indies, *Burrell* 866-870——System of female nurses in the Ordnance hospitals; good results thereof, *Halahan* 3620-3630.

O.

Office Staff (*Army Medical Department*). Appointment of Dr. Dumbreck in witness's office adverted to and explained, *Smith* 114-117——Statement of the staff attached to witness; they are appointed by him, *ib.* 560-571.

Correspondence relating to the professional branch of the office, *App. p.* 286, 287.

See also *Subordinate Boards.*

Officers. The new hospitals in this country will contain ward-rooms for the officers, *Smith* 413——Doubt as to the necessity of any further steps for providing for wounded or sick officers on arriving in this country, *Mapleton* 1387, 1388——Impropriety in sick officers ever being obliged to pay for their medicines, *ib.* 1394, 1395——Provision for the hospital treatment of naval officers, *Lindsay* 2510–2516; *Sir J. Liddell* 4285–4290——Advantage if hospital accommodation were provided at home for invalid or wounded military officers on return from abroad, *Lord de Ros* 2685, 2686; *Duke of Cambridge* 3733–3735, 3742; *Sir R. Airey* 4506. 4537, 4538——Recommendation by the Committee that accommodation for sick officers be provided in the general hospitals, *Rep. p.* iv.——*See* also *Blood Money. Lodging Money.*

Operating Tables. Want of operating tables in the Crimea adverted to, *Lord West* 2065, 2066.

Operations (Surgical). Custom in regard to the consent of witness being given in cases of amputation or capital operations, *Dartnell* 2399–2407——Exceptional instances in the Peninsula of the higher grades performing operations or prescribing, *Hume* 2819–2821——Competency generally of the army surgeons to perform operations, notwithstanding their age, *Maunder* 3959–3961.

Orderlies (Hospitals):

1. *As to the Working of the present System; Experience in the Crimea.*
2. *Advantage of Soldier Orderlies; Suggestions hereon.*

1. *As to the Working of the present System; Experience in the Crimea:*

Slight improvement required in order to render the present system of hospital orderlies all that is desirable for regimental hospitals, *Mapleton* 1389–1393——Insufficient staff of orderlies attached to hospitals, *Sir G. Buller* 1898——The prescribed number of orderlies in witness's regiment in the Crimea was one for every ten patients, *Lord West* 1963, 1964——Arrangements for the supply of orderlies to the regimental hospitals; control exercised by witness and other colonels of regiments, *ib.* 1964–1966. 1970–1974——Extra pay and free rations latterly given to the orderlies in the Crimea, *ib.* 1967.

Failure of the orderlies or pensioners sent to the Crimea, *Dartnell* 2153, 2154——Importance of orderlies being a permanent body in the hospitals, *ib.* 2156, 2157——Difficulty at present in retaining valuable orderlies; this would no doubt be obviated under the system of the medical staff corps, *Mackenzie* 3117, 3118. 3130——Rule to have one orderly for every ten patients or for any number under ten, *ib.* 3119–3123.

Particulars relative to the orderlies, more especially the civilian orderlies at Renkioi, *Sir B. Hawes* 3476–3482——There was no difficulty in the East in procuring orderlies, *Inkster* 3825, 3826——There was no difficulty about the civilian orderlies at Renkioi, *Maunder* 3913–3915——Arrangement for employing sailors as hospital orderlies on board ship, *Sir J. Liddell* 4308–4311——Inadequacy of the present system of hospital orderlies, more especially as detracting from the effective strength of the regiments, *Sir R. Airey* 4329, 4330. 4338.

2. *Advantage of Soldier Orderlies; Suggestions hereon:*

Evidence in favour of orderlies drawn from regiments as preferable to civilian orderlies, *Sir G. Buller* 1899–1906; *Dartnell* 2171; *Lord De Ros* 2605, 2606. 2692; *Bostock* 3006, 3007; *Mackenzie* 3114–3118. 3129, 3130; *Lord Cardigan* 4100, 4101——Some old soldiers might with advantage be selected for orderlies, *Dartnell* 2193, 2194——Advantage in orderlies in naval hospitals having served in the naval or military service, *Lindsay* 2541–2544——Soldiers prefer being nursed by their comrades rather than by civilians, *Mackenzie* 3118. 3129; *Inkster* 3827; *Lord Cardigan* 4057.

Orderlies should be provided by soldiers being sent to some training school, *Duke of Cambridge* 3658–3660. 3744. 3746, 3747——There should be a fixed establishment of orderlies, *ib.* 3745, 3748, 3749——Those found to be unfit for hospital duties should return to the regiment whence they went to the training school, *ib.* 3750, 3751——If found to be properly qualified, their places in the regiment should be filled up by other men, *ib.* 3750.

Suggestion that orderlies be supplied by a corps to be drawn from the ranks of the regiment, and specially trained for the purpose, *Sir R. Airey* 4331–4339. 4533——If not eligible they should return to the ranks, *ib.* 4331. 4334. 4394——They should be a military corps, but should not form part of the effective strength of the regiment, *ib.* 4331, 4332. 4336. 4337. 4395——They should have better pay than privates have, *ib.* 4335.

See also *Medical Staff Corps. Nurses.*

Ordnance Medical Department. Witness is deputy inspector of the department, *Halahan* 3575——The department has nominally been under Dr. Smith for the last two years, but the new regulations have only recently been brought into practice, *ib.* 3576–3578. 3602, 3603. 3613–3615——Control formerly of the department by an inspector-general, *ib.* 3579, 3580——System of service on foreign stations, *ib.* 3581–3589.

Mode

Report, 1856—*continued.*

Ordnance Medical Department—continued.

Mode of supply of drugs, *Halahan* 3592-3594——Examination before appointment; diplomas required, *ib.* 3595. 3597——Ordnance surgeons are now considered equally as surgeons of the line, *ib.* 3615-3618——Explanation as to the internal economy of the Ordnance Hospitals, *ib.* 3619-3639.

Arrangement, completed about three months ago, whereby the Ordnance medical officers are treated precisely in the same way as the officers of the line, and are open to promotion into line regiments, *Smith* 4562-4568——Objection at first of the Ordnance officers to promotion into the line, *ib.* 4563, 4564. 4568——Application subsequently to be open to such promotion, the promotion as confined to the artillery having been found to be unsatisfactorily slow, *ib.* 4563. 4565-4568.

See also *Confidential Reports*, 8. *Dispensers*, 9. *Promotion*, 6.

P.

Panniers. Want of panniers in the medical department for service in Turkey, *Burrell* 850-855——Difficulty in witness's regiment through the want of transport in conveying the panniers of medicines from Old Fort to Sebastopol; use made of Sir George Cathcart's private cart, *Lord West* 1985-2002.

Parkes, Dr. Remuneration of Dr. Parkes as superintendent of Renkioi Hospital, *Maunder* 3924, 3925. 3940.

PAY:

1. *Inadequacy of the Remuneration, both in the Cavalry and the Infantry.*
2. *Recommendations for an Increase of Pay, more especially of the Surgeons and Assistant-surgeons.*

1. *Inadequacy of the Remuneration, both in the Cavalry and the Infantry:*

Evidence generally to the effect that the remuneration of the medical department is decidedly inadequate, *Burrell* 780-784; *Mapleton* 1054-1057. 1122; *Dartnell* 2346-2349; *Lord de Ros* 2691. 2693-2695; *Sir G. Wetherall* 3309; *Rees* 3322 *et seq.* 3372-3375; *Maunder* 3951, 3952——Large expenses as well as inadequate pay of cavalry medical officers, *Mackenzie* 3123, 3124. 3127, 3128.

Rare instances of the more prominent pupils at Guy's Hospital entering the army medical department, neither the pay nor the prospects being sufficiently encouraging; far better prospects through private practice, *Rees* 3322-3328. 3351-3363. 3372-3375——Regret expressed by some medical men at having entered the army, *ib.* 3329, 3330. 3349-3351——Better position on the whole of a Poor-law medical officer than of an army medical officer, *ib.* 3355-3360.

Witness, who entered the 3d Light Dragoons for the sake of seeing active service, does not intend to remain in it on account of the lowness of the remuneration, *Agnis* 3507-3510. 3516. 3558. 3570, 3571——Mention of several public appointments which offer a far better prospect for medical men than the army, *ib.* 3511-3515——Deductions and incidental expenses in the case of cavalry assistant-surgeons; total expenditure of not less than 178 *l.* against a salary of 155 *l.* *ib.* 3536-3551——Less expenses of an infantry than of a cavalry assistant-surgeon, *ib.* 3559-3562.

Consideration of the pay of assistant-surgeons of cavalry, and of the deductions therefrom, to the effect that the latter are in some respects very severe, *Lord Cardigan* 4061-4071——Doubt as to any special cause of complaint as to the lowness of the actual pay, *ib.* 4063. 4066. 4072——Expediency of raising the pay and status of the medical officers and of placing them on a par with the East India Company's servants, *Sir R. Airey* 4434-4448. 4481, 4482. 4494, 4495——The military medical profession should at least be equal to the civil profession, *ib.* 4434, 4435. 4447, 4448.

2. *Recommendations for an Increase of Pay, more especially of the Surgeons and Assistant-surgeons:*

Suggestions relative to the increased pay of the several ranks of medical officers; the adoption of these and other suggested improvements would involve an additional expense of about 40,000 *l.* a year, *Mapleton* 1258-1281——The regimental surgeon, after fifteen years' service, should have the same pay and rank as staff surgeons of the first class now have, *ib.* 1258——The assistant-surgeon should get 10*s.* a day on entering, to be increased to 12 *s.* after five years' service, and to 13 *s.* after ten years' service, *ib.* 1259-1261.

Additional increase of 1 *s.* 5*d.* a day recommended for a cavalry assistant surgeon, as compared with the increase of pay to an infantry assistant surgeon, *Mapleton* 1261-1264. 1279-1281——Surgeons should have an increase, in proportion to length of service, of from 10 *s.* a day to 24 *s.* a day, *ib.* 1265——Suggested extra pay for climate in the case of deputy-inspectors, *ib.* 1267-1269——The pay of deputy-inspectors should also be regulated according to the station, *ib.* 1275.

Report, 1856—*continued.*

PAY—continued.

Recommendations for an Increase of Pay, &c.—continued.

The pay of the surgeon should be increased, *Lord West* 2005——Advantage in increasing the pay of the assistant surgeons after they have been some time in the service, *ib.* 2007–2009. 2023——In the cavalry, the pay of the assistant surgeon should, on entering, be 10*s.* a day, and after five years' service 13*s.* a day, *Mackenzie* 3215. 3217——The pay of cavalry surgeons on entering should be 15*s.* a day, to rise by degrees till, on twenty-five years' service, it was 30*s.* a day, *ib.* 3218, 3219——A better remuneration of assistant surgeons would be preferable to an earlier retirement, *Duke of Cambridge* 3699–3701.

Rate of pay proposed by the director-general for assistant-surgeons, *App. p.* 314—— Proposed rates of pay of regimental surgeons and staff surgeons of the second class, *ib.* 315——Proposed rates of pay of staff surgeons of the first class, *ib.*——Proposed rates of pay of deputy inspectors-general of hospitals, *ib.* 316——Proposed rates of pay of inspector-general, *ib.*

Recommendation that the regulation which requires officers of the department to serve two years in the rank to which they have been promoted, upon the pay of their previous rank, be abolished, *Rep. p.* iii.

Recommendation that the pay of the army-surgeons and assistant-surgeons be increased, as may be determined by the executive government; but the Committee are in favour of 10*s.* per diem as the pay of the assistant-surgeon on first appointment, *Rep. p.* iii.

See also *Civil Hospitals and Civil Practitioners. East India Company's Service,* 1. *Half-pay. Inspectors-General. Memorials. Military Officers. Navy. Private Practice. Retirement and Retiring Allowances.*

Peninsular War. Great difference between the war in the Peninsula and the recent war in regard to accommodation for the sick, *Hume* 2704–2709——System of hospital ships in frequent use during the Peninsular war, *ib.* 2710–2715——Extent of sickness, *ib.* 2717, 2718——Provision made for the conveyance of the sick and wounded during Sir John Moore's retreat and the retreat from Burgos, *ib.* 2719–2724——Want chiefly of hospital attendants in the Peninsula, *ib.* 2741——Want at times of medical officers; civilians were not introduced, *ib.* 2803. 2804.

Pensions. About twelve months ago witness strongly urged the injustice to medical officers in their widows not having the pensions of the relative ranks, *Smith* 412——System of pension for wounds adverted to, *Mapleton* 1383–1386——In the navy the basis for widows' pensions is not equal to that of the army medical department, *Sir J. Liddell* 4273.——*See* also *Good Service Pensions. Retirement and Retiring Allowances.*

Physicians. Suggested requirement, in military medical officers, of a diploma from one of the Colleges of Physicians, *Mapleton* 1058. 1102–1112. 1120–1122. 1126——A considerable number of army surgeons are doctors of medicine, *ib.* 1117, 1118——Nature of the diplomas, certificates, and examination necessary before admission to the private practice of medicine, *Rees* 3339–3342. 3379, 3380.

Private Practice. Improbability of men retiring after twenty years' service going into private practice, *Mapleton* 1301–1304——Opportunities of army medical officers to engage in private practice, *Lord De Ros* 2696. 2698——Equal chances of an army surgeon, as of a civilian, to get into private practice, if the former have left the service, *Mackenzie* 3192–3201——Opportunity abroad, but not at home, for medical officers to obtain private practice, *ib.* 3198——Higher reputation obtainable in hospital practice rather than as an army surgeon, *Rees* 3364–3371——Absence of advantage on the score of private practice, *Sir R. Airey* 4436–4441.——*See* also *East India Company's Service,* 1.

Prizes. Objections to prizes for excellence in any particular branch of medical study, *Rees* 3346–3348.

Probation. Practice generally, after the first appointment, to go to Fort Pitt before joining the regiment, *Burrell* 806, 807. 809–812——Probation at Chatham before appointment in the "Gazette" as assistant-surgeon, *Mapleton* 1133–1143. 1148–1153; *Dartnell* 2244–2247——Expediency of the examination being a sufficient test, and of those who pass it being at once gazetted to the staff, *Mapleton* 1144–1147. 1154. 1233——Desirableness of a probationary period of about three months, with pay at about 5*s.* a day, *Mackenzie* 3061–3065——Supervision over and duties and studies of witness when on probation at Chatham, *Agnis* 3523. 3529–3533——Appointment of witness to the cavalry direct from Chatham, *ib.* 3534, 3535.

Probationary period in the case of naval medical officers of twelve months passed on board ship, or in a naval hospital, *Sir J. Liddell* 4239–4248.

Report, 1856—*continued.*

PROMOTION:

1. *As to Promotion by Seniority.*
2. *As to Promotion by Selection.*
3. *Rules affecting Promotion; suggested Publication thereof.*
4. *Absence of Examination on Promotion.*
5. *Navy.*
6. *Ordnance.*

1. *As to Promotion by Seniority:*

Rule in the case of assistant-surgeons to promote the senior unless individually unworthy, *Smith* 108——Approval of the system of promotion by seniority, save in cases of established incompetency, *ib.* 180–182——Invariable practice of witness to promote deserving officers without reference to their reports in regard to the conduct of the department, *ib.* 398, 399——As a rule, vacancies in the Crimea were filled by the promotion of the senior in rank, *ib.* 462. 471–475. 502——Hardship, till remedied by witness, in promoting a junior officer, because the senior officer was at the time incapable through sickness, *ib.* 4569.

Check, as regards length of service, upon the premature promotion of assistant-surgeons, *Burrell* 798–801——Rule to promote assistant-surgeons according to seniority on the station in which the vacancy takes place, *Mapleton* 1215–1217——Promotion should be by seniority in the whole service, *Mapleton* 1227–1243; *Dartnell* 2361–2364——Reasons for regimental surgeons sometimes refusing promotion, *Mapleton* 1244, 1245——Approval of promotion by seniority as a general rule, *Lord De Ros* 2681–2684; *Bostock* 3026, 3027; *Duke of Cambridge* 3679–3682. 3744——Promotion by seniority in the Guards, *Bostock* 3023. 3030——Five years are a fair term as the maximum of an assistant-surgeon's service before his promotion, *Sir R. Airey* 4494, 4495.

Further evidence in explanation of the system and practice in regard to promotion by seniority, *Smith* 4543–4560. 4569——Cases in which seniority applies to the whole department, *ib.* 4547.

Statement by the director-general in defence of the present system of seniority as being the general rule, *App. p.* 321.

2. *As to Promotion by Selection:*

The initiative in recommending for promotion is always taken by witness, *Smith* 106, 107——Rule, in the case of the higher officers, to select for promotion according to merit, the case of the senior officer being first considered, *ib.* 109, 110. 180–182. 475. 485–502——Those specially recommended in the Crimea for promotion were, as a matter of course, promoted, *ib.* 188. 258. 462——Anxiety of witness to have nothing to do with promotions, only that thereby the public service would suffer, *ib.* 551, 552.

Witness considers that besides being passed over in 1854, by Dr. Hall, he was twice unduly passed over in 1852, *Burrell* 710, 711. 895——Principle of selection, at the discretion of the director-general, in the case of promotions to full surgeons, *ib.* 785, 786. 790–792——Frequent instances of promotion by selection; witness is not cognisant of the reasons for such course, *Mackenzie* 3249–3252——Discretion of the Minister for War, in regard to recommendations for hastening any officer's promotion, *Sir B. Hawes* 3501——Expediency of frequently resorting to selection for promotion, *Sir R. Airey* 4520.

Further explanation in defence of witness's practice in regard to promotions by selection, *Smith* 4570–4597——Rare instances of witness having passed over men because there was something against them, *ib.* 4570. 4573. 4588.

3. *Rules affecting Promotion; suggested Publication thereof:*

Circumstance of the regulations affecting promotion not being codified or published; nature of these regulations, *Smith* 4549–4556. 4598, 4599.

Resolution that the rules which guide promotion be published, *Rep. p.* iii.

4. *Absence of Examination on Promotion:*

Discontinuance, some years since, of the practice of examination on promotion, *Burrell* 793–795——System formerly of local examination on promotion, *ib.* 796, 797.

5. *Navy:*

Recommendation by witness upon which the Board of Admiralty promote, the latter body, however, sometimes taking the initiative, seniority, as the rule being sometimes departed from, *Sir J. Liddell* 4128–4135. 4212–4225.

6. *Ordnance:*

Promotion hitherto, in the Ordnance, entirely by seniority, *Halahan* 3596. 3598–3601——Advantage to the officers in the Ordnance in being eligible for promotion in the line, *ib.* 3602–3605. 3609–3612.

See also *Commander-in-Chief. Confidential Reports. Davies, Mr. Death Vacancies. Favouritism. Foreign Service. Foreign Stations. Governing Body. Hall, Sir John, M. D., K. C. B. Inspector-general of Army in the East. Staff Surgeons. Wilson, Mr.*

Report, 1856—*continued.*

Publication of Reports. Communication by witness of Dr. Hall's weekly report to the three London medical periodicals, *Smith* 391, 392.

Purveyors. Facility of procuring supplies from purveyors in the case of regimental hospitals, *Mapleton* 1371, 1372. 1400——The relations at Chatham between witness and the purveyors are not based on a proper system; illustration hereon, *Dartnell* 2254–2262——In the civil as well as in the military hospitals the purveyor is subject to the principal medical officer, *Sir B. Hawes* 3389. 3466–3472——The relations between the purveyor and the medical officer should be more clearly defined, *Duke of Cambridge* 3672, 3673——Before going to the Crimea witness had never heard of a purveyor, and he never saw one at all, *Lord Cardigan* 4035, 4036——Witness never found any difficulty from the system of purveyors, *Sir R. Airey* 4408–4411.

Q.

Qualifications. Somewhat lower qualifications of medical candidates appointed during the latter part of the war, *Smith* 125——There are men in the department as highly qualified as any civilians in the kingdom, *ib.* 590——Nature of the limit to the schools or colleges whence candidates are received and examined, *Burrell* 751–760——Comparatively inferior class of students who come forward for the army, *ib.* 764–766——Disapproval of a condition that all candidates must before examination pass through some special college, as at Sandhurst, *ib.* 817.

Degrees or diplomas obtained by witness before coming forward for the service, *Mapleton* 1041——Expediency of professional grades in the army so as to comprise men capable of the medical as well as of the surgical part of the profession, *ib.* 1058. 1102–1112——Requirements at present that each candidate has attended a certain number of lectures, &c., *ib.* 1075, 1076——Necessary knowledge of Latin to a very slight extent, but not of Greek or mathematics, *ib.* 1098–1101——Opportunity for fraud in the case of certificates of attendance at lectures, *ib.* 1108–1111.

Qualifications required in medical officers in the Guards, *Bostock* 3028, 3029——A diploma from any of the recognised Colleges of Surgeons, and, if necessary, a degree of M. D., should obviate examination by a medical board, *Mackenzie* 3235–3248——The regulations or warrant in regard to qualification on appointment to the medical service, or in regard to promotion, cannot be altered by Dr. Smith, *Sir B. Hawes* 3499, 3500——Medical education and examination of witness previously to his coming forward for the army, *Agnis* 3517–3521.

Form of application of candidates for employment in the medical department of the army, *App. p.* 287, 288.

Memoranda, dated Army and Ordnance Medical Department, February 1855, in regard to the several qualifications to be required; diplomas and testimonials necessary, *App. p.* 289, 290.

See also *Administrative Officers. Competition. Confidential Reports. Diplomas. Education. Examinations. Pay. Physicians. Zeal and Efficiency.*

Quartermaster-general. Nature of the communication between witness's department and the medical department, *Sir R. Airey* 4460, 4461.

Quarters (*Barracks*). Recommendation by the director-general that medical officers have choice according to their relative rank, *App. p.* 317.

R.

Rank and Relative Position:

1. *Queen's Service.*
2. *East India Company's Service.*

1. *Queen's Service:*

A surgeon of the first class should have the rank of major, *Mapleton* 1266; *Lord West* 2005. 2006. 2009. 2015——Satisfactory relative positions of the medical and executive officers, *Douglas* 1861; *Sir G. Buller* 1907; *Lord de Ros* 2557, 2558; *Sir G. Wetherall* 3281–3285——Advantage of the rank of medical officers were higher, *Mackenzie* 3131. 3215–3217——Rank of a staff surgeon of the first class as a field officer, *ib.* 3145, 3146——After five years' service the assistant surgeon should rank as a captain, *ib.* 3215–3217.

Advantage if, after a certain length of service, the surgeon of a regiment had the rank of major instead of that of captain, *Duke of Cambridge* 3647, 3648——Objection to any change in the relative positions of the medical and the executive officers which should

Report, 1856—*continued.*

Rank and Relative Position—continued.

1. *Queen's Service*—continued.

should render the former a more independent body, *Lord Cardigan* 3965. 3978-3989——Propriety of medical officers having the same rank relatively as military officers, and being entitled to the same honours, *Sir R. Airey* 4431-4433. 4481. 4500, 4501. 4508-4516.

Enumeration of the several grades in the medical department, and of the relative military rank held by each, *App. p.* 295.

Definite suggestions by the Director-general as to rank, *App. p.* 319.

Concurrence of the Committee in the foregoing recommendations, *Rep. p.* iii——Resolution of the Committee that the relative position of medical and combatant officers be not changed, and that the army surgeons be not made a more military body than at present, *ib.*

2. *East India Company's Service:*

Evidence in complaint that the rank of surgeons and assistant-surgeons in the Indian army is not substantive, and is extremely uncertain, *Martin* 1500-1504. 1514-1531——Dissatisfaction felt that when on Committees or Boards of Inquiry, the surgeon should practically rank below the lieutenants or ensigns, *Martin* 1501. 1519; *Grant* 1729-1732. 1740-1743——Limited extent to which the substantive rank of the medical officer should partake of the military character, *Martin* 1504-1506. 1514-1523.

Proposal by Lord Dalhousie to place the medical officers in the East India Company's service in the same position as the military officers in regard to substantive rank and honours; evidence in approval thereof, *Grant* 1686. 1729-1745——Invidious distinction at present drawn, *ib.* 1686. 1729——Social rather than military rank is what is wanted, *ib.* 1729-1733——In recommending substantive rank, witness does not wish that actual military rank be given, *ib.* 1733-1739.

See also *Boards of Inquiry. Military Authority.*

Recommendation on Appointment. Simple recommendation necessary in the case of candidates, *Mapleton* 1089.

Recruiting Service. Examination of recruits adverted to as differently carried out by different examiners, the examination being generally looked upon as conclusive, *Mapleton* 1362-1370——Occasional inadequacy of the present system of examination of recruits; case in point, *Duke of Cambridge* 3726-3728——The general officer should have more power in regard to the reprisal of recruits, *ib.* 3727, 3728.

Inadequacy of the present system of medical examination of recruits, *Lord Cardigan* 4073-4075——Course advisable in the event of improper recruits being passed by medical officers, *ib.* 4074-4076——As regards the inspection of naval recruits, the surgeon's decision is liable to be overruled by the captain, *Sir J. Liddell* 4297-4304——Satisfactory character generally of the present examination of recruits, *Sir R. Airey* 4517.

Regulations in regard to medical examinations and reports, *App. p.* 292, 293.

Reduction of Establishment. The reductions in the department will probably debar Dr. Menzies from further employment at present, *Smith* 145.

Complaint that Dr. Smith has recently threatened witness with half-pay, though he is high up in the list, *Menzies* 991, 992. 995, 996. 999-1002. 1025——Service of witness for twenty-eight years on full pay; for his efficient conduct during that time he proffers to the Committee the highest testimonials, *ib.* 996-998. 1025.

Rees, George Owen, M. D. (Analysis of his Evidence.)—Is Fellow of the Royal College of Physicians, Resident Physician and Lecturer at Guy's Hospital, and one of the Examiners of the University of London, 3321——Rare instances of the more promising pupils at Guy's Hospital entering the Army Medical Department, neither the pay nor the prospects being sufficiently encouraging; far better prospects through private practice, 3322-3328. 3351-3363. 3372-3375——Regret expressed by some medical men at having entered the army, 3329, 3330. 3349-3351.

Almost total absence in civil hospitals of superintendence as regards the mode of treatment adopted by the medical men, 3331-3338——Gradation of medical men in civil hospitals, 3337——Nature of the diplomas, certificates, and examination necessary before admission to the private practice of medicine, 3339-3342. 3379, 3380——Advantage of medical men, more especially of army officers, being examined in drugs, 3343-3345——Objection to prizes for excellence in any particular branch of medical study, 3346-3348——Higher reputation obtainable in hospital practice rather than as an army surgeon, 3364-3371——Better remuneration desirable in the case of army medical officers, 3372-3375——Stricter examination desirable, 3376-3380.

Regimental Hospitals. Excellent school for medical officers afforded by regimental hospitals, *Burrell* 804, 805. 889-891——Sufficient facilities in regimental hospitals for the provision of the required medical comforts, &c., *Mackenzie* 3227——Advantages of the

Report, 1856—*continued.*

Regimental Hospitals—continued.

system of regimental hospitals over the system of general hospitals; this was constantly admitted by the French, *Sir R. Airey* 4412–4422——Disadvantage in the regimental hospitals having been short-handed, *ib.* 4413. 4421–4423.

Regimental Surgeons. See *Duties. Forage. Number of Medical Officers. Pay. Promotion.*

Reid, Dr. Explanation relative to the appointment of Dr. Reid to fill a vacancy at Chatham, notwithstanding that when in Bulgaria he was considered to be deficient in moral courage, *Smith* 111–113. 131–136. 511–514——Belief that at the time of his appointment he was the senior officer at home, *ib.* 111, 112——Witness considered him especially eligible for the appointment, and he has in fact filled it most satisfactorily, *ib.* 133. 136——Severe domestic affliction has been assigned as the cause of his temporary deficiency when in the East, *ib.* 135.

Witness is not dissatisfied with the way in which Dr. Reid has performed his duties at Chatham; his hospital is in very good order, *Dartnell* 2251–2253.

Removals and Transfers. Explanation and approval of witness's power in regard to the removal of officers from one place to another, *Smith* 98–100——Practice, generally, in regard to removal of officers from home stations on the arrival of officers from foreign stations, *ib.* 130. 146–151—— Disapproval of removals from hospitals at home merely to take the place of those returning from abroad; suggestion hereon, *ib.* 148–151——Want of power in witness to compel a transfer from the staff to a regiment, and *vice versâ*, *ib.* 463–465.

Renkioi Hospital. Favourable character of the returns from Renkioi as to its sanitary state, *Sir B. Hawes* 3390, 3391——Circumstance of there being a resident military commandant near Renkioi, *ib.* 3431–3439——Incomplete state of Renkioi through a deficiency of patients, *ib.* 3475. 3494——Estimate of 28,000*l.* as the annual cost of the establishment, *ib.* 3486.

Circumstances attending witness's appointment as assistant-surgeon to the Renkioi Hospital; he received a sort of commission from the War Office, but had no document or agreement to sign, *Maunder* 3853–3883——Explanation as to witness having left Renkioi for the Crimea, so that he had but little experience in the former place, the establishment on his return being gradually broken up, *ib.* 3885–3893. 3898–3901. 3906–3912——The remuneration of witness was 25*s.* a day, and his rations, *ib.* 3895–3897——At one time there were between 600 and 700 patients at Renkioi; there was room for about 1,200, *ib.* 3899. 3902——Particulars relative to the staff of the hospital, and their remuneration, *ib.* 3904, 3905. 3920–3940.

Repairs (Hospitals). Very faulty system in regard to repairs of broken windows, &c. at Chatham, on account of the necessity of communication on the subject with the barrack-master, *Dartnell* 2195–2220——The more important repairs or alteration must be submitted to the commanding engineer, *ib.* 2201, 2202. 2208——The chief medical officer should have power to order repairs of broken glass, *ib.* 2218——Power to order immediate repair of window frames, &c. at Haslar Naval Hospital, *Lindsey* 2505.

Requisitions for Supplies. Attention paid to witness's recommendations in favour of facilitating the requisitions from medical officers in the field, *Smith* 376–378——Difficulty and delay at times before requisitions by medical officers for stores are complied with, *Burrell* 845. 872–887——Somewhat too strict check kept over requisitions from foreign stations, *ib.* 872, 873. 885–887——Difficulties in the Crimea through the circuitous route of requisitions for various supplies, *Lord West* 1975–1979——Medical men have power to resign at any moment, subject to the approval of the commander of the forces on the spot, *Mapleton* 1421–1431.

Retirement, and Retiring Allowances. Circumstance of there being no full-pay retirement, *Smith* 505. 548——Practice at times of executive medical officers to remain in the service until they are seventy years old, in order to retire on the pay of the rank in which they are serving, *Mapleton* 1269–1299——Retirement should be optional after twenty years' service, *ib.* 1284. 1304; *Mackenzie* 3233; *Duke of Cambridge* 3695——Importance of steps being taken for compelling the retirement of men whose age or nerves incapacitate them for their duties, *Mapleton* 1288–1291. 1294–1296——Retirement should be compulsory at sixty years of age, *ib.* 1305; *Mackenzie* 3234.

The pay on retirement should be increased, *Dartnell* 2346——Judgments exercised by the War Department in regard to the retiring allowances of the medical officers, *Sir B. Hawes* 3498——Approval of a system of retirement on full pay, *Duke of Cambridge* 3743——Doubt as to medical officers having any special claim to retirement on full pay after twenty-five or thirty years' service, *Lord Cardigan* 4120–4122——Twenty-one years' service would not be too short for retirement, *Sir R. Airey* 4481, 4482.

Conditions in the navy in regard to compulsory retirement, *Sir J. Liddell* 4159, 4160. 4181——Amount of pay on compulsory retirement, *ib.* 4182

Report, 1856—*continued.*

Retirement, and Retiring Allowances—continued.

Recommendations by the Director-general, *App. p.* 319.

Resolution that retirement be optional after twenty-one, and compulsory from regimental and second class staff surgeons after thirty-five years' service, *Rep. p.* iii.

See also *East India Company's Service*, 1. *Pay. Pensions. Service in the Field.*

Richardson, Thomas. (Analysis of his Evidence.)—Is surgeon-major of the Scots Fusilier Guards, 1438——Concurs with Dr. Mapleton in his objections to the new plan of dispensers, 1439. 1446——Explains the system of dispensing in the hospitals of the Scots Fusilier Guards by means of a serjeant or hospital steward, and a corporal, and states that during thirty-two years there has never been the slightest accident or mistake, 1440–1453——The same system is adopted in the other regiments of Guards, 1450——There is no reason why the system should not be adopted in the line, 1451——The books are kept by the hospital steward, who gets about 10*s.* 6*d.* a week extra pay, 1452, 1453——In the line the books are kept by the hospital serjeant, 1454, 1455.

S.

Sanitary Reports. Result of the Commission of medical men appointed by witness to inquire into the sanitary state of Turkey and of the neighbourhood of the Danube, &c., *Smith* 526–531.

Proposition, as submitted by witness to the Indian Government, relative to sanitary reports, *Martin* 1630–1632.

Science. Contributions to science by the medical officers in the East India Company's service are entirely voluntary, *Grant* 1711——Contributions to medical science in the naval medical reports, *Lindsay* 2551, 2552.

Scotch Fusilier Guards. System of dispensing in the hospital of the Scotch Fusilier Guards by means of a serjeant or hospital steward, and a corporal; during thirty-two years there has never been the slightest accident or mistake, *Richardson* 1440–1453——The corporal is duly taught to dispense, and does so under the superintendence of the medical officer, *ib.* 1440, 1441. 1443——Particular medicines are kept under lock and key, *ib.* 1442–1448——Efficiency of the present hospital serjeant, *ib.* 1444–1447. 1453——The surgery is open to the corporal and serjeant, *ib.* 1448——The steward, who must necessarily understand accounts, has about 10*s.* 6*d.* a week extra pay, *ib.* 1451–1453.

Witness has been colour-serjeant and hospital steward in the Scotch Fusilier Guards for eight years, *Simpson* 1810, 1811——Subordinate staff employed, *ib.* 1813–1815——Duties and qualifications of the hospital corporal or dispenser, *ib.* 1816–1821. 1827–1836——Witness has never heard of any mistake, *ib.* 1822. 1851——Care taken with regard to the use of poisonous drugs, &c., *ib.* 1823–1826——Facility for learning to dispense according to the prescriptions, which are written partly in Latin, *ib.* 1827–1835. 1842, 1843. 1845.

Witness keeps all the hospital accounts, and makes up the diet rolls, *Simpson* 1837. 1852——The surgeon enters his own prescriptions in each case in the book, *ib.* 1839–1841——The hospital corporals remain about three or four years, *ib.* 1844——The corporal in the Crimea had experience at home, *ib.* 1847, 1848——Similar labelling of the medicines sent abroad as of those for the hospital at home, *ib.* 1849, 1850.

Frequent instances of the regiment, when in the East, not having been duly supplied with medicines, medical comforts, and surgical appliances, *Bostock* 2973. 2978–2994——Complement of seven medical officers in the regiment, *ib.* 3011, 3012——Efficiency of the medical service of the regiment, *ib.* 3032.

Scutari. Dr. Menzies' conduct at Scutari was far less blameable than has generally been supposed, *Smith* 120, 121. 124——Steps taken, previously to September 1854, for the improvement of the sanitary state of Scutari Hospital, *ib.* 382, 383.

Extent to which witness, whilst at Scutari, reported to Dr. Smith upon the want of sanitary improvements to the hospital, *Burrell* 699–704——Fitting state at first of the barracks used as an hospital, *ib.* 704–706——Fair average amount of sickness whilst witness was at Scutari, *ib.* 707, 708.

Witness explains, with reference to his evidence before the Select Committee on the army before Sebastopol, that he did not then fully state his case as to his charge at Scutari, *Menzies* 909, 910.

Selection for Promotion. See *Promotion*, 2.

Selling Out. Form of certificate adverted to in regard to officers on sick leave selling out, *Mapleton* 1401–1405; *Sir B. Hawes* 3502, 3503——Necessity of the certificate, *Sir R. Airey* 4518, 4519——Under certain circumstances the medical officer should decline to sign the certificate, or should give some explanation in signing it, *Smith* 4659. 4660.

Seniority. See *East India Company's Service*, 5, 6. *Promotion.*

Report, 1856—*continued.*

Servants. Propriety of allowing the surgeons the same privilege as mounted officers in regard to servants, allowances for servants not being adequate, *Lord West* 2010-2014. 2016-2019——Great difficulty in the Crimea in procuring servants to look after the officers' horses; instance of this in the case of witness, *Lord De Ros* 2697—— Doubt as to the expediency of providing servants from the ranks for infantry surgeons, *Sir G. A. Wetherall* 3287-3291.

Great hardships to surgeons during the war in their not being properly provided with servants, *Duke of Cambridge* 3741——Absence of complaint by cavalry surgeons in the Crimea as to any want of servants, *Lord Cardigan* 4030-4034——Explanation as to the medical men in the Crimea not having been provided with servants, *Sir R. Airey* 4496-4499.

Recommendation by the director-general, *App. p.* 317.

Service in the Field. Consideration given of late to the general question of service in the field to the effect that it should not count for more than service at home, *Smith* 193-204.

Sheldrake, Serjeant William. (Analysis of his Evidence.)—Is hospital steward and colour serjeant in the Coldstream Guards, 1747, 1748——There is a surgery man or dispenser, a cook, and four orderlies, in the hospital; extra pay of each, 1749-1752——Statement relative to the pay and position of witness as hospital steward; he is worse off in some respects than he was previously as colour serjeant, 1753-1755. 1764. 1766, 1767. 1780-1785. 1790-1793. 1798, 1799. 1803-1809——Duties of witness, 1756, 1757. 1768-1770——Qualifications of the dispenser, who is a private, 1758-1763. 1765. 1794-1797.

There has never been any mistake in compounding, 1771. 1794, 1795——Care exercised in regard to the use of certain medicines, 1773, 1774——There are ninety-one patients out of a force of 1,300; 1775, 1776——Facility for learning to dispense, 1777-1800——Similar mode of dispensing in witness's regiment in the Crimea as at home, 1786-1789——A corporal is not allowed to be a surgery man or dispenser, 1796, 1797.

SHORNCLIFFE:

1. *Statement by the Director-general as to the Appointment and Removal of Dr. Menzies.*
2. *Explanatory Statement by Dr. Menzies: Complaint as to the Difficulties of his Position.*

1. *Statement by the Director-general as to the Appointment and Removal of Dr. Menzies:*

Appointment of Dr. Menzies to the camp at Shorncliffe considered in connexion with his conduct at Scutari, *Smith* 118-124——Removal of Dr. Menzies from Shorncliffe in order to gratify his desire to go to a foreign station, and at the same time to make room for a senior officer returned from abroad, *ib.* 127-130. 138, 139——Witness was not quite satisfied with the manner in which Dr. Menzies fulfilled his duties, *ib.* 137-139——Doubt as to any difficulty at Shorncliffe through Dr. Menzies not being acquainted with the German language, *ib.* 140-144.

2. *Explanatory Statement by Dr. Menzies: Complaint as to the Difficulties of his Position:*

In June 1855 witness was sent to Shorncliffe to form and organise hospitals for the German Legion, *Menzies* 911-913. 958——As not understanding the German language, witness strongly objected to the appointment, but had no alternative but to obey Dr. Smith's orders, *ib.* 913-916——Reports from witness to Dr. Smith, dated 15 June and 19 June, relative to his proceedings at Shorncliffe, and the progress of the hospital arrangements, *ib.* 917-919——Inconvenience at first in troops having been sent there without any previous preparation, *ib.* 919-922——Delay before proper hospital furniture was provided, *ib.* 921. 972. 975-978.

Witness made every endeavour to bring matters into a proper state, and duly notified to Dr. Smith the difficulties which he had to encounter, *Menzies* 923, 924. 939. 972-975. 1005——Arrival of Dr. Dumbreck at Shorncliffe in August; his inquiries were directed more especially into the outbreak of cholera, *ib.* 925. 929, 930——Witness concluded that the cholera was imported, and not in any way owing to the state at Shorncliffe, *ib.* 926-928——Steps taken by witness with reference to the cholera, *ib.* 930.

Particulars as to the difficulties encountered by witness through his ignorance of the German language, *Menzies* 937-964. 972. 975. 979-988. 1006-1010. 1022-1024——Difficulties encountered by him in dealing with the German medical officers under his command, *ib.* 939-964. 1006-1010——So great were his difficulties, that witness considered it his duty to apply to Dr. Smith to be relieved of his charge, *ib.* 939. 972. 1024——Comparative indifference shown by the German officers to cleanliness in the hospitals, *ib.* 964-970.

Statement as to witness having been relieved in March last of his charge at Shorncliffe, *Menzies* 972—— Subsequent interview in March with Dr. Smith, who found fault with

Report, 1856—*continued.*

SHORNCLIFFE—continued.

2. *Explanatory Statement by Dr. Menzies, &c.*—continued.

with witness's conduct at Shorncliffe, *Menzies* 972——Letter from Dr. Smith to witness, dated 19 March, in which his conduct was arraigned upon the statements in a report by Dr. Dumbreck, *ib.* 972——Blame unjustly attached to witness by Dr. Dumbreck and Dr. Smith with reference to sentries for the hospital, *ib.* 972-975. 1006. 1021——Exoneration of witness from the charges in Dr. Smith's letter of 19 March, *ib.* 973-979. 1006——Explanation to the effect that witness was not responsible for any deficiency in the supply of articles of bedding, *ib.* 975-978. 1012-1015. 1018, 1019.

Failure of witness in his applications to the Brigade Office for a clerk who, as a German, might understand English, *Menzies* 980-988——He did not officially apply for an actual interpreter, *ib.* 985. 1023——Witness had an interview with Lord Panmure before his appointment to Shorncliffe, *ib.* 993, 994——Inability of Dr. Freunde, though a German, to get the hospitals into good order, *ib.* 1007——The want of a barrack master at Shorncliffe was a main cause of the inconvenience in regard to the hospital furniture, *ib.* 1018, 1019.

Sick Leave. See *Leave of Absence.*

Sikh Campaign. Reference to the Sikh campaign in 1845, as showing that on occasions of emergency great loss and suffering cannot be obviated by any regulations, *Lord West* 2056-2059.

Simpson, George. (Analysis of his Evidence.)—Has been colour-serjeant and hospital-steward in the Scots Fusilier Guards for eight years, 1810. 1812——As hospital-steward, has 1 *s.* 6 *d.* a day extra pay, 1811——Subordinate staff employed, 1813-1815——Duties and qualifications of the hospital corporal or dispenser, 1816-1821——Witness has never heard of any mistake, 1822. 1827-1836. 1851——Care taken in regard to the use of poisonous drugs &c., 1823-1826——Facility for learning to dispense according to the prescriptions, which are written partly in Latin, 1827-1835. 1842, 1843. 1845.

Witness keeps all the hospital accounts, and makes up the diet rolls, 1837. 1852——The surgeon enters his own prescriptions in each case in the book, 1839-1841——The hospital corporals remain about three or four years, 1844——The corporal in the Crimea had had experience at home, 1847, 1848——Similar labelling of the medicines sent abroad as of those for the hospital at home, 1849, 1850.

Smith, Andrew, M. D. (Analysis of his Evidence.)—Has been Director-general of the Army and Ordnance Medical Department for three years, 1-3——Was for six years previously under Sir James M'Grigor, and has had 30 years' experience at home and abroad as an army surgeon, 3-8——Circumstances under which, in November 1854, power was given to witness to employ ships specially for the conveyance of medical stores, 9-18——Improvement since January 1855, in witness being subservient only to the Secretary for War and the Commander-in-Chief, instead of to five masters, as previously, 19-25. 82——Classification of subjects on which witness communicates respectively with Lord Panmure and Lord Hardinge, 22. 33, 34.

About March last, witness was told by Lord Panmure that it was intended to reorganize the department, and to form a Medical Board, which should comprise a civil element, 26-30. 60——Witness thereupon expressed a wish to resign, he being much opposed to the contemplated change, 28-32. 42-60——Explanation as to witness having approved of the employment of civil medical officers in the hospitals in the East, 35-41——The state of witness's health had nothing to do with his tender of resignation, 43. 51-53.

Grounds upon which witness objected to the introduction of a civil element, as injurious to the service, 43-49. 54, 55——Witness also objected to the contemplated Board, as being in effect a slight upon himself, 45. 48——It was subsequently communicated to witness that the civil element would not be introduced, 57-59——In accordance with Lord Panmure's direction, witness eventually submitted a new organization of the department, and his proposition has in the main been carried out, 60-64.

Opinion that the changes already effected, or now in progress, have rendered the organization efficient for all purposes, in time of peace and in time of war, 65-67——Improvement as regards financial arrangement, if witness were definitively empowered to incur expenditure on urgent occasions, in peace as well as in war, without communicating in the first instance with his superiors; about 4,000 *l.* or 5,000 *l.* placed to his account yearly would suffice for the purpose, 67-95——Objection to a general power in the heads of the hospitals at Chatham, Portsmouth, &c., to procure medical comforts at their discretion, 91-94.

Full power of witness in regard to the discipline of the medical officers, 96, 97——Explanation and approval of his power, in regard to the removal of officers from one place to another, 98-100——Invariable practice of the Commander-in-Chief to comply with witness's recommendations for promotion, 101-105. 180——Rule that the initiative in recommending for promotion be taken by witness, 106, 107——Rule in the case of

Report, 1856—*continued.*

Smith, Andrew, M.D. (Analysis of his Evidence)—*continued.*

assistant surgeons to promote the senior, unless ordinarily unworthy, 108——Rule in the case of the higher officers to select for promotion according to merit, the case of the senior officer being first considered, 109, 110. 180–182.

Explanation relative to the appointment of Dr. Reid to fill a vacancy at Chatham, notwithstanding that when in Bulgaria he was considered to have been deficient in moral courage, 111–113. 131–136——Appointment of Dr. Dumbreck in witness's office adverted to, and explained, 114–117——Appointment of Dr. Menzies to the camp at Shorncliffe considered in connexion with his conduct at Scutari, 118–124——Somewhat lower qualifications of medical candidates appointed during the latter part of the war, 125.

Removal of Dr. Menzies from Shorncliffe, in order to gratify his desire to go to a foreign station, and at the same time to make room for a senior officer returned from abroad, 127–130. 138, 139——Practice generally in regard to removal of officers from home stations, on the arrival of officers from foreign stations, 130. 146–151——Witness was not quite satisfied with the manner in which Dr. Menzies fulfilled his duties, 137–139——Doubt as to any difficulty at Shorncliffe through Dr. Menzies not being acquainted with the German language, 140–144——The reductions in the department will probably debar Dr. Menzies from further employment at present, 145.

Appointments to hospitals at home are generally made for three years, 146–148——Disapproval of removals from hospitals at home merely to take the place of those returning from abroad; suggestion hereon, 148–151——Regulation in the case of all death vacancies to appoint the senior officer on the station, 152. 258——System of inquiry by medical officers, and of reduction to half-pay, in the event of cases of *mala praxis*, 153–161——Approval of the practice of requiring medical officers to keep books in explanation of their course of treatment of patients, 162–164.

Appointment of Dr. Burrell as deputy inspector to the expeditionary army of 10,000 men, first ordered to Malta, 165. 172——Communication made to Dr. Burrell, that on the army proceeding to Turkey, he would be superseded by a senior officer as inspector-general, 166. 262. 267–269——Appointment subsequently of Dr. Hall, who was ordered from India for the purpose, 167——Explanation and defence of the appointment of Dr. Hall as inspector-general, in lieu of the appointment of Dr. Burrell to that position, when it was known that the army might be increased to some four times the original number, 168–178. 257–269.

Approval of the system of promotion by seniority, save in cases of established incompetency, 180–182——Partial disapproval of the system of confidential reports; it is however a necessary system, 183, 184——Reference to some instances of distinguished conduct in the field, and to the propriety of rewarding such conduct by good service pensions rather than by promotion, 185–192. 207–211——Attention paid by witness to special recommendations from the East for promotions or reward, 188. 258——Considerations given of late to the general question of service in the field to the effect that it should not count for more than service at home, 193–204——Advantage in retaining Dr. Dartnell at Chatham, instead of sending him to the East, 205, 206.

Unlimited power of the Commander-in-Chief abroad over the medical officers, 212——Few instances of censures of medical men in general orders, 213——Censure of Dr. Dumbreck adverted to as having referred merely to his giving orders verbally, 213. 216. 238——Censure of Dr. Lawson considered in connexion with his subsequent appointment to the Second Division, 214, 215. 217–222. 228–232. 239. 246–256.

It would depend upon the nature and extent of the censure of the Commander-in-Chief whether witness recommended any officer for promotion or reward, 220–222. 233–245—— Indirect character of the censure passed on Dr. Hall, 223–227——Considerable experience of Dr. Hall adverted to, 266——Circumstance of witness having offered Dr. Burrell an appointment in India far more lucrative than that of deputy inspector in the East, 262. 268–275.

[Second Examination.]—Evidence in detail, and examination thereon, with reference to Dr. Lawson, and the several appointments held by him, 276–323——Extreme cases in which medical officers are sometimes cashiered, instead of being placed on half-pay, 324–330——Reference to the answer by witness to a memorial from the surgeons of the army of the East, 331–336——Reason why witness did not lay before Lord Panmure a memorial from the assistant surgeons, 337, 338. 341——Reply by Lord Panmure to a second memorial from the assistant surgeons, which did not pass through witness's department, 339–341.

Evidence relative to confidential reports, and the mode in which witness acts upon them, 342–360——Further opinion in favour of witness's individual responsibility as preferable to a Medical Board, 361——Instances of omission in the public despatches of the names of medical officers who have been highly commended by divisional or regimental officers; steps taken by witness to repair these omissions, 369–371. 384–390——The medical officers who distinguished themselves during the war have not received any honours

Report, 1856—*continued.*

Smith, Andrew, M.D. (Analysis of his Evidence)—*continued.*

honours till recently, and then the honour was necessarily limited to the higher grades, 372–374——Further reference to the slightness of the censure passed upon Dr. Dumbreck in general orders, 375.

Attention paid to witness's recommendations in favour of facilitating requisitions from medical officers in the field, 376–378——Case adverted to of an hospital hut supplied in the Crimea in an incomplete state in August last, and still incomplete in December, 379–381——Steps taken, previously to September 1854, for the improvement of the sanitary state of Scutari Hospital, 382, 383——Decided approval of the practice, first adopted in the Crimea, of introducing medical officers into despatches, 387, 388——Communication by witness of Dr. Hall's weekly reports to the three London medical periodicals, 391, 392.

Reference to a warrant, strongly recommended by witness, approved of by Lord Panmure, and the subject of a recent memorial from the medical officers, which warrant tends greatly to improve the condition of the officers, 393–397. 412——Invariable practice of witness to promote deserving officers without reference to their reports in regard to the conduct of the department, 398, 399——Some promotions have been made for distinguished conduct in action, 400. 462.

Excellent manner in which the medical officers in the East performed their duties, 401. 405——Difficulties as regards transports, local arrangements in the East, and deficient staff, which led to the odium incurred by the department, 401. 406–411——Absence of change in the system of the department since the war, 402–404.

Regulations as to the qualifications, rank, pay, &c., of the new dispensers of medicines, 414–432. 436. 461——The plan of medical dispensers originated with witness, and was authorised by the War Minister, 431. 444——As regards hospital serjeants, there is a direct order that they are not to dispense, 434——Advantage in substituting the proposed dispensers for the hospital serjeants, 435——Would be well if those attached to regiments were also appointed by warrant, 436–440. 446——Suggested increase of their pay after a certain period of service, 459.

With respect to transfers in the Crimea, witness had, in fact, nothing to do with them, 462——As a rule, vacancies were filled by the promotion of the senior in rank, 462. 471–475. 502——Want of power in witness to compel a transfer from the staff to a regiment, and *vice versâ*, 463–465——Service of surgeons on half-pay does not count at all; this is the case in regard to all officers, 466. 468——Witness has recommended an increased rate of half-pay, 467——Length of medical sick leave adverted to, 469.

Greater chance of promotion on foreign than on home stations, 470–472——Impartial conduct of witness in appointing to foreign stations, 472–475——Principle of selection in appointing to the higher offices in the department, 475. 485–502——Explanation as to the principle of selection having been partly resorted to in appointing Dr. Hall in lieu of Dr. Lawson, his senior in rank, 476–484——Circumstances under which witness was appointed Director-general, though junior in the service to Dr. Burrell and several others, 485–501——Improvements of the staff were so increased, that an extended sick leave could be given, 503, 504.

Advantage of the officers of the line over the medical officers, not only as regards full pay, but as regards the period entitling to half-pay, 505–510——Appointment of Dr. Reid further adverted to, and approved of, 511–514——Further evidence in defence of the appointment of Dr. Hall over Dr. Burrell; explanation as to the latter having subsequently been placed on half-pay at his own request, 515–520——Explanatory statement as to witness having declined to recommend Dr. Davy as principal medical officer with the army in the East, 521–547.

Result of the commission of medical men appointed by witness to inquire into the sanitary state of Turkey, and of the neighbourhood of the Danube, &c., 526–531——Impartial practice of witness in recommending to the higher scale of half-pay, 548–550——Anxiety of witness to have nothing to do with promotions, only that thereby the public service would suffer, 551, 552——Further evidence opposed to the appointment of a Board to deal with promotions, and to conduct the medical service generally, 551–591.

Failure of the system of a Board, as shown by former experience, 551——Special objection to a Board comprising a civilian member, 553–557. 586–591——Explanation relative to, and in approval of, the appointment and operation of the subordinate Boards attached to witness's department, 557–571. 584, 585——Further reference to witness's offer of resignation, and to the subsequent abandonment of the plan of a Board, 578–583——Witness never gives directions for the use of certain remedies for certain diseases, 592–596——Detailed reports by medical officers, as to treatment, &c., may sometimes be too voluminous, but they are, on the whole, very desirable, 597–601.

[Third Examination.]—Further evidence in explanation of the system and practice in regard to promotion by seniority, 4543–4560. 4569——Circumstance of the regulations

Report, 1856—*continued.*

Smith, Andrew, M.D. (Analysis of his Evideuce)—*continued.*

affecting promotion not being codified or published, 4549-4556. 4598, 4599——Invariable observance of the roster in regard to sending officers on foreign service, 4561——Arrangement, completed about three months ago, whereby the Ordnance medical officers are treated precisely in the same way as the officers of the line, and are open to promotion into line regiments, 4562-4568.

Statement to the effect that cavalry surgeons should be the last to complain of harsh treatment, 4569——Hardship, till remedied by witness, in promoting a junior officer because the senior officer was at the time incapable through sickness, *ib.*——Explanation in defence of witness's practice in regard to promotions by selection, 4570-4597——Further statement as to the reliance placed on confidential reports, and as to their non-communication to the implicated officer, 4572-4581.

Single instance, in witness's recollection, of the Commander-in-Chief having objected to the recommendation of the Director-general, 4583-4586——Selection of Dr. Hall as inspector-general further considered and defended, 4589-4597——Absence of any special instructions by witness to the chief medical officers with the army in the field, 4600-4605——Excellent instructions issued by Dr. Hall, whose duty it was, subject to the Commander-in-Chief, to make regulations for supply in the event of any movement of the army, 4606-4612——Date of the arrivals of medical stores and comforts in the East, 4614-4617.

Evidence opposed to the employment of non-commissioned officers or privates for compounding and dispensing medicines, 4618 *et seq.*——Sundry instances of accidents, some of a fatal character, through the system of serjeants, corporals, or privates as dispensers, 4618-4624. 4642, 4643. 4647. 4654, 4655——Order, dated January 1846, prohibiting the medical officers from delegating the duty of dispensing, 4618, 4619——Witness is bound to believe that the dispensing is actually done by the medical officer, as he signs a certificate to that effect, 4619. 4625-4631——Service of witness in different grades adverted to in connexion with his promotion, 4632-4640.

There are 147 non-commissioned officers in the medical staff corps; error of Captain Bunbury hereon, 4648——Origination by witness of the medical staff corps, 4649-4651——Opposition made by witness to the employment of pensioners for the ambulance corps, 4652, 4653——Doubt as to the medical officers or non-commissioned officers being better educated now than they were thirty years ago, 4654-4658——Under certain circumstances the medical officer should decline to sign the certificate relative to officers selling out, or should give some explanation in signing it, 4659, 4660.

Smyrna Hospital. Belief as to the bad working of the hospital through the want of military discipline, *Lord De Ros* 2597. 2638, 2639.

Report of eminent medical men upon which Mr. Sidney Herbert established the hospital at Smyrna, *Sir B. Hawes* 3383. 3450——Satisfactory result of the hospital, save for a short time after its establishment, *ib.* 3392, 3393. 3397——Retention of the hospital up to a recent date, notwithstanding the establishment of Renkioi, *ib.* 3394-3398.

Special Services. See *Distinguished Services.*

Splints. Want of splints after the battle of the Alma, *Bostock* 2979-2984.

Staff Surgeons. Difference, as regards independent action, between a staff assistant-surgeon and a regimental assistant-surgeon, *Mapleton* 1154, 1155. 1166-1171——Instead of increasing the staff surgeons, they should be done away with altogether, *ib.* 1181, 1182——Undue control at present vested in staff surgeons of the first class, *ib.* 1191-1209. 1214——System of promotion of staff surgeons adverted to, as showing that selection being resorted to, they are not necessarily senior to regimental surgeons, *ib.* 1199-1202. 1211-1213. 1246, 1247——Similar pay and rank of a staff surgeon of the second class and a regimental surgeon, *ib.* 1248-1250.

Objection to the rank of staff surgeon of the second class, *Mapleton* 1255——Extent of duty devolving on the second class staff surgeons, *ib.* 1256, 1257——The staff surgeon should be an executive officer, *Dartnell* 2383——Importance of regimental experience in staff surgeons, *Mackenzie* 3068, 3069.

Recommendation by the Director-general that staff surgeons of the first class be termed surgeons-major, and staff surgeons of the second class should simply be termed staff surgeons, *App. p.* 315.

Resolution that no medical officer shall be promoted to be staff surgeon of the first class until he shall have served not less than three years as a regimental medical officer, *Rep. p.* iii.

See also *Number of Medical Officers. Pay. Promotion. Surgeons-Major.*

Stoppages from Pay of Sick Soldiers. See *Hospital Stoppages.*

Study.

Reports, 1856—*continued.*

Study. Desirableness of leave of absence as a means of professional improvement, *Dartnell* 2426–2428——Absence, at Chatham, of any system of study by the assistant-surgeons under the superior officers, *ib.* 2429–2434.

Recommendation that facilities be given for the purpose of study in civil hospitals, such precautions being taken as will guarantee the period of absence being passed in such study, *Rep. p.* iii.

Subordinate Boards. Explanation relative to and in approval of the appointment and operation of the subordinate Boards attached to witness's department, *Smith* 557–571. 584, 585——There are three such Boards, and there are three members in each Board, *ib.* 557–559——Constitution of the subordinate Board in regard to the supply of stores, *ib.* 557–571——Selection by witness of the members of these Boards; they are in fact entirely dependent upon him for their office, *ib.* 564–571——Large experience of the apothecary serving on the subordinate Medical Board, *ib.* 588.

Reference to the constitution of the Medical Board for inquiring into the cases of sick and wounded officers arriving from the Crimea, *Mapleton* 1379–1381.

Superintendence. Superintendence is necessary, but not too many superintendents, *Mapleton* 1205.——*See* also *Administrative Officers.*

Surgeons. See *Assistant-Surgeons. Cavalry. Discipline. Duties. Memorials. Number of Medical Officers. Pay. Promotion. Retirement and Retiring Allowances. Staff Surgeons.*

Surgeons-Major. Recommendation by the Director-general that the term "surgeon-major" be substituted for that of "staff surgeon of the first class," *App. p.* 315.

Surgical Instruments. Reference to the circumstance of army surgeons being obliged to find their own instruments, *Bostock* 3016–3022.

System. Difficulties in regard to transports, local arrangements in the East, and deficient staff, which led to the odium incurred by the department during the late war, *Smith* 401. 406–411——Absence of change in the system of the department since the war, *ib.* 402–404——Doubt as to the system of the department being justly blameable for any failures or sufferings during the late war, *Hume* 2822–2829.

T.

Tomlinson, Corporal-Major. (Analysis of his Evidence).—Has been hospital sergeant-major in the 2nd Life Guards for the last ten years, 3755–3757——Particulars as to the duties performed by witness in that capacity, 3758 *et seq.*——He has never made any mistakes in dispensing, nor has he heard of others having done so, 3761. 3798–3801——Capacity of witness for the office, he having been well educated, and having been formerly apprenticed to a chemist and druggist, 3766. 3769. 3780–3783. 3804, 3805——Facility in making intelligent sergeants competent to dispense, 3770–3772——Addition of 6 *d.* a day to witness's regimental pay as hospital sergeant, 3775–3777. 3787, 3788——Access of witness to all medicines save poisons, 3779——Staff of one orderly and a nurse (witness's wife), there being at present eighteen soldiers in hospital, 3789–3795.

Transport of Medical Stores. Circumstances under which, in November 1854, power was given to witness to employ ships specially for the conveyance of medical stores to the East, *Smith* 9–18——He had made applications in the March or April previously to have ships and a supercargo allotted for the purpose, *ib.* 12–14. 16–18——Deficiency of supplies attributed mainly to the deficiency of transport, *Sir R. Airey* 4385–4391.

Recommendation of the Committee that at the outbreak of any future war separate transports should be provided for the conveyance of all medical stores; leaving the minor arrangements of detail to the executive, *Rep. p.* iv.

Treatment of Patients. Approval of the practice of requiring medical officers to keep books in explanation of their course of treatment of patients, *Smith* 162–164. 597–601——Witness never gives directions for the use of certain remedies for certain diseases, *ib.* 592–596——Slight extent to which witness interferes with the system of treatment in the different wards at Chatham, *Dartnell* 2394–2398——Almost total absence in civil hospitals of superintendence as regards the mode of treatment adopted by medical men, *Rees* 3331–3338.

U.

Uniform of Medical Officers. Objection to the present distinction between the dress of the medical officer and the military officer, *Mackenzie* 3148–3154. 3157, 3158.

Report, 1856—*continued.*

V.

Varna Hospital. Want of medical comforts in the general hospital at Varna, *Lord de Ros* 2658-2660.

Veterinary Surgeons. Pay and rank of veterinary surgeons, *Mapleton* 1306-1308. 1317.

W.

Walcheren. Mode of accommodation of the sick during the occupation of Walcheren; the number of sick was immense, *Hume* 2716. 2828, 2829——Want of medical officers at Walcheren, civilians were employed but not in the field, *ib.* 2805-2811.

War Office. Satisfactory relative positions at present of the medical department and of the War Office, *Sir R. Airey* 4468.——*See* also *Control.*

Wells, Spencer. Antecedents of Mr. Spencer Wells, one of the medical officers at Smyrna, *Sir B. Hawes,* 3399-3406——Reference to the remuneration of Mr. Spencer Wells, as chief surgeon at Renkioi, *Maunder* 3028-3939.

West, Colonel Lord. (Analysis of his Evidence).—Was with the 21st Fusiliers in the Crimea, from the date of the debarkation at Old Fort, till November last, 1914-1919 attributes the sickness and suffering in the Crimea to the want of proper supplies, and not in any way to the conduct of the medical officers, 1920-1925——Deficient inspection at first of the regimental hospital of the Fusiliers; improvement subsequently, 1926-1937——Want of sufficient authority and control on the part of the surgeons over the assistant-surgeons, 1938-1945. 2023-2026.

Inadequate zeal and attention paid by the assistant surgeons to their duties, 1946-1950——Propriety of the assistant-surgeon being present when wine or medical comforts are administered, 1948-1952——Expediency of increasing the pay of the hospital-sergeant, and of putting him on the same footing as the quartermaster-sergeant, 1953-1962. 1968. 2050-2054——The prescribed number of orderlies was one for every ten patients, 1963, 1964——Arrangements for the supply of orderlies to the regimental hospitals; control exercised by witness and other colonels of regiments, 1964-1966. 1970-1974——Extra pay and free rations latterly given to the orderlies, 1967.

Difficulties in the Crimea through the circuitous route of requisitions for various supplies, 1975-1979——Want of straw in the tents for the patients to lie on, 1979-1982. 1984——Difficulty in witness's regiment through the want of transport in conveying the panniers of medicines from Old Fort to Sebastopol; use made of Sir George Cathcart's private cart, 1985-2002——Inadequate means in the regiment, for conveying the sick on the flank march, 2004——The pay of the surgeons should be increased, 2005——They should also hold a higher relative military rank, 2005, 2006. 2009. 2015.

Advantage in increasing the pay of the assistant surgeons, after they have been some time in the service, 2007-2009. 2023——Propriety of allowing the surgeons the same privilege as mounted officers, in regard to servants, allowances for servants not being adequate, 2010-2014. 2016-2019——Objection to vesting the medical officer with military authority, 2021, 2022——The grievance as regards leave of absence might be remedied by the expense of substitutes being borne by the public, 2027-2031——Consideration of the question of dispensing, to the effect that the existing system of hospital-sergeant is preferable to the proposed system of dispensers as commissioned officers, 2032-2055.

Reference to the Sikh campaign in 1845, as showing that on occasions of emergency great loss and suffering cannot be obviated by any regulations, 2056-2059——Suggestion as to the expediency of separating the sick commissariat from the commissariat of the army, 2060——Greater liberality generally, in the case of the Indian, than of the Queen's service, 2061——Save during action, witness did not observe in the Crimea any insufficiency of medical officers, 2062-2064——Want of operating tables adverted to, 2065, 2066——It is highly desirable that distinguished conduct on the part of medical officers as well as of military officers should be mentioned in the despatches of the Commander-in-Chief, 2067-2073.

Wetherall, Sir George Augustus. (Analysis of his Evidence).—Control exercised by witness, as adjutant-general, over the discipline of the medical department, 3253-3256. 3272-3282——Practice in the case of all reports unfavourable to medical officers for the same to be sent to the Director-general, who acts upon them at his discretion, 3255-3265. 3269-3273——System in the case of confidential military reports; communication of the same to the parties implicated, 3266-3270. 3274-3280.

Approval of the present relative positions of the medical and military officers; the position of the former should not be more a military one, 3281-3285——General control of the Secretary of State for War over the medical department, 3282——Desirableness of

Report, 1856—*continued.*

Wetherall, Sir George Augustus. (Analysis of his Evidence)—*continued.*

of an additional assistant-surgeon in cavalry and line regiments as a means of facilitating leave of absence, 3283. 3292-3308——Objection to a deduction for forage in the case of infantry surgeons, 3286——Doubt as to the expediency of providing servants from the ranks for infantry surgeons, 3287-3291.

An increase of pay is much needed by the medical officers, 3309——Advantages of a system of a Director-general over one of a Medical Board, 3310, 3311——The appointment of a military secretary under the Director-general is not necessary, 3312——Advantage of the medical staff corps in providing permanent orderlies, 3313-3315——Approval of the abolition of the system of hospital sergeants as dispensers, 3316-3320.

Wilson, Mr. Reference to the promotion of Mr. Wilson to the rank of surgeon in consequence of distinguished conduct at Inkermann, *Smith* 190-192.

Y.

Yarmouth Lunatic Asylum. Particulars relative to the lunatic establishment at Yarmouth, and the treatment pursued there by witness; it was broken up in 1852; *Dartnell* 2289. 2292-2305. 2325, 2326. 2339-2341——There were twenty officers as patients, seventy-five men, and a few women, when the asylum was broken up, *Dartnell* 2339-2341; *Hume* 2798, 2799——The establishment was given up to the navy just when it had been got into good order, *Hume* 2787, 2788——It is now being held over for the army, *Sir J. Liddell* 4295, 4296.

Z.

Zeal and Efficiency. Testimony to the zeal and excellent conduct generally of the medical officers in the East, *Smith* 401. 405; *Lord De Ros* 2559, 2560; *Duke of Cambridge* 3644-3646; *Lord Cardigan* 4104; *Sir R. Airey* 4383, 4384. 4392, 4393——Letter dated 12 April 1856, from Dr. Hall to the Director-general bearing testimony to the laborious and unwearied exertions of the medical officers, *App. p.* 304——The Committee refer to the admirable manner in which the medical officers performed their duties during the war, and record the high opinion they entertain of their merits, *Rep. p.* iv.